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LAWS, JOINT RESOLUTIONS AND MEMORIALS.

PASSED AT THE SIXTH AND SEVENTH SESSION OF THE

LEGISLATIVE ASSEMBLY

OF THE

STATE OF NEBRASKA.

BEGUN AND HELD AT THE CITY OF LINCOLN,
FEBRUARY 17, 1870.

PUBLISHED BY AUTHORITY.

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STATE OF NEBRASKA,
SECRETARY'S OFFICE.

I, WILLIAM H. JAMES, Secretary of the State of Nebraska, do hereby certify that I have carefully examined the following copies of the laws passed by the Legislative Assembly during the Sixth, Seventh, and Eighth session thereof, with the original rolls on file in this office, and that the same are true and perfect copies of said laws.

In testimony whereof, I have hereunto set my hand and affixed
[L. S.] the great seal of the State of Nebraska.

Done at Lincoln this 22d day of August, A. D. 1871.

WILLIAM H. JAMES,
Secretary of the State of Nebraska.

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CONSTITUTION OF THE STATE OF NEBRASKA.

PREAMBLE.

We, the people of Nebraska, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility, and promote the general welfare, do establish this Constitution.

ARTICLE 1.--DECLARATION OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain inherent rights; among these are life, liberty, and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 3. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 4. The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

SEC. 5. The right of trial by jury shall remain inviolate, but the Legislature may authorize trial by a jury of a less number than twelve men, in inferior courts.

SEC. 6. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 7. In all criminal prosecutions and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

SEC. 8. No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or in navy, or the militia, when in actual service in time of war, or public danger; and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require.

SEC. 9. All courts shall be open, and every person, for any injury done him in his land, goods, person or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

SEC. 10. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 11. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

SEC. 12. No bill of attainder, ex-post-facto law, or any law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 13. The property of no person shall be taken for public use without just compensation therefor.

SEC. 14. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment, or descent of property.

SEC. 15. No person shall be imprisoned for debt in any civil action on *mesne* or final process, unless in cases of fraud.

SEC. 16. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

SEC. 17. The military shall be in strict subordination to the civil power.

SEC. 18. The writ of error shall be the writ of right in all capital cases, and shall operate as a *supersedeas* to stay the execution of the sentence of death until the further order of the Supreme Court in the premises.

SEC. 19. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers not herein delegated, remain with the people.

ARTICLE II.—LEGISLATIVE.

SEC. 1. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, and the style of every law shall be,

"Be it enacted by the Legislature of the State of Nebraska."

SEC. 2. Every male person of the age of twenty-one years, or upwards, belonging to either of the following classes, who shall have resided in the State, county, precinct, and ward; for the time provided by law, shall be an elector:

First—White citizens of the United States.

Second—White persons of foreign birth who shall have declared their intention to become citizens conformable to the laws of the United States on the subject of naturalization.

SEC. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year one thousand eight

hundred and seventy-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

SEC. 4. Senators and Representatives shall be elected bi-ennially, by the electors in the respective counties or districts, on the second Tuesday of October. Their term of office shall commence on the first day of January next thereafter, and continue two years, except the Senators and Representatives to the first Legislature under this Constitution, whose election and term of office shall be as hereinafter provided.

SEC. 5. The Senators and Representatives shall be chosen by districts of convenient, contiguous territory, as compact as may be, to be defined by law, except as to the first election which is hereinafter provided for.

SEC. 6. Every white male citizen, who shall be a qualified elector in the district which he may be chosen to represent, shall be eligible to a seat in the Legislature.

SEC. 7. Each house shall be the judge of the election and qualifications of its own members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 8. The Senate shall consist of thirteen members, and the House of Representatives shall consist of thirty-nine members, and shall not be increased for the term of ten years after the adoption of this Constitution: *Provided*, That after the expiration of said ten years, the Legislature shall have the power to increase the number of Senators and Representatives, so as to correspond with the increase of the population of the State: *Provided*, Such number shall at no time be more than twenty-five in the Senate, and seventy-five in the House of Representatives.

SEC. 9. The mode of organizing the House of Representatives at the commencement of each regular session shall be prescribed by law.

SEC. 10. Each house shall choose its own officers, may determine its own rule of proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all other powers necessary to provide for its safety and the undisturbed transaction of its business.

SEC. 11. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any three members

in the Senate, or any five members in the House, the yeas and nays shall be entered upon the journal, and on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

SEC. 12. The first session of the Legislature under this Constitution shall be held on the fourth day of July, one thousand eight hundred and sixty-six; and all regular sessions thereafter shall commence on the first Thursday after the first Monday in January, biennially. But the Legislature may, on extraordinary occasions, be convened by proclamation of the Governor, and when so convened, shall transact no business except such as relates to the objects for which they were so convened, to be stated in the proclamation of the Governor.

SEC. 13. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

SEC. 14. No person being a member of Congress, or holding any military or civil office under the United States, shall be eligible to a seat in the Legislature; and if any person shall, after his election as a member of the Legislature, be elected to Congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat.

SEC. 15. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

SEC. 16. Members of the Legislature shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest, nor shall they be subjected to any civil process during the session of the Legislature, nor for fifteen days next before the commencement, and after the termination of each session.

SEC. 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

SEC. 18. Bills may originate in either house; but may be altered, amended or rejected in the other.

SEC. 19. Every bill shall be fully and distinctly read on three different days, unless, in case of urgency, three-fourths of the house in which it shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended, unless the new act contain the entire act revived, and the sections amended; and the section or sections so amended shall be repealed.

SEC. 20. The presiding officer of each house shall sign publicly, in the presence of the house over which he presides, while the same is in session and capable of transacting business all bills and joint resolutions passed by the Legislature.

SEC. 21. Each member of the Legislature shall receive for his services three dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature, on the most usual route. *Provided, however,* That they shall not receive pay for more than forty days at any one session.

SEC. 22. The Legislature shall never authorize any lottery, or grant any divorce.

SEC. 23. The Legislature shall provide by law that all stationery required for the use of the State, and all printing authorized and required by them to be done for their use, or for the State, shall be let by contract to the lowest bidder; but the Legislature may establish a maximum price. No member of the Legislature, or other State officer, shall be interested, either directly or indirectly, in any such contract.

SEC. 24. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

SEC. 25. Members of the Legislature, and all officers executive and judicial, expect such inferior officers as may be by law exempted, before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Nebraska, and faithfully discharge the duties of their respective offices to the best of their ability.

SEC. 26. The Legislature shall determine what persons shall constitute the militia of the State, and may provide for organizing and disciplining the same, in such manner as shall be prescribed by law.

SEC. 27. In all elections by the Legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

SEC. 28. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachment shall be tried by the Senate; and the Senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the Senators.

SEC. 29. The Governor, Secretary of State, Auditor, Treasurer, and Judges of the Supreme and District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted or acquitted, shall, nevertheless, be liable to indictment, trial and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such manner as the Legislature may provide.

SEC. 30. No money shall be drawn from the Treasury, except in pursuance of a specific appropriation made by law; and no appropriation shall be made for a longer period than two years.

SEC. 31. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this Constitution.

SEC. 32. The Legislature shall not authorize the borrowing of money or the issuance of State bonds for any sum exceeding in the aggregate fifty thousand dollars, without submitting a proposition therefor to a vote of the people for their approval or rejection, except in case of war to repel invasion or suppress insurrection.

EXECUTIVE.

SEC. 1. The Executive Department shall consist of a Governor, Secretary of State, Auditor and Treasurer, who shall be chosen by the electors of the State, on the second Tuesday of October, and at the places of voting for members of the Legislature.

SEC. 2. The Governor, Secretary of State and Treasurer shall hold their offices for two years; and the Auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns of every election, for the officers named in the foregoing section, shall be sealed up and transmitted to the seat of government by the returning officers, directed to the President of the Senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each House of the Legislature. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. No person except a citizen of the United States and a qualified elector of the State, shall be eligible to any office provided for by this Constitution.

SEC. 5. Should there be no session of the Legislature in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the Secretary of State, and opened, and the result declared by the Governor, in such manner as may be provided by law.

SEC. 6. The supreme executive power of this State shall be vested in the Governor.

SEC. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

SEC. 8. He shall communicate at every session, by message to the Legislature, the condition of the State, and recommend such measures as he shall deem expedient.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.

SEC. 10. In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the Legislature to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 11. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

SEC. 12. He shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations as to the manner of applying for pardon as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the Legislature, at its next meeting, when the Legislature shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the Legislature at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.

SEC. 13. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially; and shall be called "The Great Seal of the State of Nebraska."

SEC. 14. All grants and commissions shall be issued in the name and by the authority of the State of Nebraska, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. No member of Congress, or other person holding office

under the authority of this State, or of the United States, shall execute the office of Governor, except as herein provided.

SEC. 16. In case of the impeachment of the Governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Secretary of State, until such disability shall cease, or the vacancy be filled.

SEC. 17. If, during the vacancy of the office of Governor, the Secretary of State shall be impeached, displaced, resign, die, or be absent from the State, the powers and duties of the office of Governor shall devolve upon the President of the Senate; and should a vacancy occur by impeachment, death, resignation, or absence from the State of the President of the Senate, the Speaker of the House of Representatives shall act as Governor till the vacancy be filled.

SEC. 18. The Governor shall receive during his continuance in office an annual compensation of one thousand dollars; the Secretary of State, six hundred dollars; the State Treasurer, four hundred dollars; and the State Auditor eight hundred dollars.

SEC. 19. Every bill which shall have passed the Legislature, shall before it becomes a law, be presented to the Governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the Legislature shall by their adjournment prevent its return, in which case it shall not be a law.

SEC. 20. The Secretary, Auditor, and Treasurer of State, shall severally perform such duties as shall be prescribed by law.

JUDICIARY.

SEC. 1. The judicial power of the State shall be vested in a Supreme Court, District Courts, Probate Courts, Justices of the Peace, and such inferior courts as the Legislature may from time to time establish.

The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and

shall hold a term of the Supreme Court at the seat of government of the State annually. Said Supreme Judges shall be elected by the qualified electors of the State, at such time and in such manner as may be provided by law. Said Justices of the Supreme Court shall hold their office for the term of six years from the time of their election and until their successors shall have been elected and qualified.

SEC. 2. The State shall be divided into three judicial districts, and the District Courts shall be held at such times and places as may be provided by law, and the Legislature shall by law assign the Justices to hold District Courts in the several districts: *Provided*, That until the Legislature shall have provided by law, the Governor shall have authority to make such assignment.

SEC. 3. The Supreme Court shall have appellate jurisdiction only except in cases relating to revenue, *mandamus, quo warranto, habeas corpus*, and such cases of impeachment as may be required to be tried before it; and both the Supreme and District Courts shall have both chancery and common law jurisdiction.

SEC. 4. The jurisdiction of the several courts herein provided for both appellate and original shall be as fixed by law: *Provided*, That Probate Courts, Justices of the Peace, or any inferior court, that may be established by the Legislature shall not have jurisdiction in any matter wherein the title or boundaries of land may be in dispute. Nor shall either of the courts mentioned in this proviso have power to order or decree the sale or partition of real estate: and *Provided, further*, that Justices of the Peace, and such inferior courts as may be established by the Legislature, shall not have jurisdiction when the debt or sum claimed by the Legislature, shall not have jurisdiction when the debt or sum claimed shall exceed one hundred dollars, and the jurisdiction of the District or Probate Courts, and Justices of the Peace, shall be uniform throughout the State.

SEC. 5. Probate Judges, Justices of the Peace, and persons holding inferior courts, herein authorized to be established by the Legislature, shall be elected by the electors of the several districts for which they may be elected in the manner and time fixed by law.

SEC. 6. The salary of the Justices of the Supreme Court shall be two thousand dollars each per annum and no more; and all other judicial officers shall be paid for their services in fees to be prescribed by law.

SEC. 7. The Legislature shall by law provide that on the entry or commencement of any suit in the District Court, the party so commencing or entering such suit, shall, before the same is commenced or entered, pay to the clerk of the said District Court the

sum of five dollars; and in like manner on the entry or commencement of any suit in the Supreme Court, shall pay the sum of ten dollars to the clerk thereof, which money so paid shall be for the use of the State, and shall be paid by said clerks to the proper officers designated by law, as by law may be required; which money so received shall be held and esteemed as a judiciary fund, and to be applied in the payment of the salaries of the Justices of the Supreme Court. Which amounts so paid shall be taxed as costs against the unsuccessful party, and collected as other costs: *Provided*, the Legislature may provide by law for dispensing with the payment of said sums of money in cases where the party so commencing or entering suit shall be really unable to pay the same, and the amount shall in all cases be taxed and collected as other costs: *Provided*, also, that the Legislature shall have power whenever the amount so received shall exceed the salaries of the Judges of the Supreme Court, to reduce the amount to be paid so that the gross amount will not exceed such salaries.

SEC. 8. The Legislature may, after the year one thousand eight hundred and seventy-five, increase the number of Justices of the Supreme Court, and the judicial districts of the State.

SEC. 9. In all cases heard before the Supreme Court, as an appellate court, the Justice who may have tried such cause in the court below shall not participate in the decision thereof, until the other two Justices, if present, shall have failed to agree in the decision of such cause.

SEC. 10. All process, writs, and other proceedings, shall run in the name of "*The people of the State of Nebraska.*"

FINANCE.

SECTION 1. No money shall be paid out of the treasury, except in pursuance of an appropriation by law.

SEC. 2. The credit of the State shall never be given or bound in aid of any individual, association, or corporation.

SEC. 3. The Legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year, and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

SEC. 4. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall never in the aggregate exceed fifty thousand dollars. Every such debt shall be authorized by law, for some purposes or purposes to be distinctly specified therein; and the vote of a majority of all the

members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such laws; and every such law shall provide for the levying of an annual tax sufficient to pay the annual interest of such debt, and the principal within ten years from the passage of such law; and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished until the principal and interest of such debts shall have been wholly paid.

SEC. 5. The Legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the re-payment of the debt thereby created.

SEC. 6. The State shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of internal improvement, the State may carry on such particular works, as shall devote thereto the avails of such grant and may pledge or appropriate the revenues derived from such works in aid of their completion.

EMINENT DOMAIN.

SEC. 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to the State, and any other State or Territory now and hereafter to be formed and bounded by the same. And the river Missouri, and the navigable waters leading into the Missouri, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the State, as to the citizens of the United States, without any tax, impost, or duty therefor.

SEC. 2. The title of all lands and other property, which have accrued to the Territory of Nebraska, by grant, gift, purchase, forfeiture, escheat, or otherwise shall vest in the State of Nebraska.

SEC. 3. The people of the State, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail from defect of heirs, shall revert or escheat to the people.

EDUCATION.

SEC. 1. The principal of all funds arising from the sale, or other disposition of lands or other property granted or intrusted to

this State for educational and religious purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations. The Legislature shall make such provisions by taxation or otherwise, as, within the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but no religious sect or sects, shall ever have any exclusive right to, or control of any part of the school funds of this State.

SEC. 2. The university lands, school lands, and all other lands which have been acquired by the Territory of Nebraska, or which may hereafter be acquired by the State of Nebraska, for educational or school purposes, shall not be aliened or sold for a less sum than five dollars per acre.

CORPORATIONS.

SEC. 1. The Legislature shall pass no special act conferring corporate powers.

SEC. 2. Corporations may be formed under general laws.

SEC. 3. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

SEC. 4. The Legislature shall provide for the organization of cities and incorporated villages by general laws; and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credits, so as to prevent the abuse of such power.

AMENDMENTS.

SEC. 1. If at any time a majority of the Senate and House of Representatives shall deem it necessary to call a convention to revise or change this constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature; and if it shall appear that a majority of the electors voting thereon have voted for a convention, the Legislature shall at its next session provide for calling such convention.

BOUNDARIES.

SEC. 1. The State of Nebraska shall consist of all the territory included within the following boundaries, to-wit: Commencing at a point formed by the intersection of the western boundary of the State of Missouri, with the fortieth degree of north latitude; extending thence due west along said fortieth degree of north latitude, to a point formed by its intersection with twenty-fifth degree of

longitude west from Washington; thence north along said twenty-fifth degree of longitude, to a point formed by its intersection with the forty-first degree of north latitude; thence west along said forty-first degree of north latitude to a point formed by its intersection with the twenty-seventh degree of longitude west from Washington; Thence north along said twenty-seventh degree of west longitude, to a point formed by its intersection with the forty-third degree of north latitude; thence east along said forty-third degree of north latitude to the Reya Paha river; thence down the middle of the channel of said river, with its meanderings, to its junction with the Niobrara river; thence down the middle of the channel of said Niobrara river, and following the meanderings thereof to its junction with the Missouri river; thence down the middle of the channel of said Missouri river, and following the meanderings thereof to the place of beginning.

SCHEDULE.

SEC. 1. That no inconvenience may arise from the change of territorial government to a State government, it is declared that all rights, suits, actions, prosecutions, judgments, recognizances, claims, and contracts, both as respects persons and bodies corporate, shall continue and be enforced, as if no change had taken place, and all laws now in force shall remain in force until altered, amended, or appealed by the Legislature; *provided*, wherever the word Territory shall occur, it shall be construed to mean State, whenever it may be necessary, in order that such laws may conform to the State government.

SEC. 2. All debts, fines, penalties, recognizances, and forfeitures, due and owing to the Territory of Nebraska, shall insure to the benefit of the State, and all obligations and bonds to the Territory of Nebraska or any office thereof, shall be esteemed and taken as due and owing to the State of Nebraska, and may be in such manner enforced.

SEC. 3. The Governor and all other officers of the Territorial government, shall continue to discharge and exercise the duties of their respective offices, until superseded by the provisions of this Constitution or the officers appointed or elected by authority of its provisions.

SEC. 4. The first election for Governor, Secretary of State, Auditor of State, one Representative to Congress, the Justice of the Supreme Court, the members of the Senate and House of Representatives, shall be held on the second day of June, one thousand eight hundred and sixty-six, at the places and in the manner now prescribed by law for general elections. The members of the Sen-

ate shall be elected in and from the same districts that are now prescribed by law for councilmen districts. The members of the House of Representatives shall be elected in and from the same districts that are now prescribed by law, for members of the House of Representatives of the Territory of Nebraska, and all the officers mentioned, to-wit: Senators and Representatives shall hold their offices until the first Monday in January, A. D. 1867; Governor, Secretary of State, State Auditor and Treasurer, until the second Monday in January, A. D. 1869, and until their successors are elected and qualified; the Supreme Judges until the first day of January, A. D. 1873.

SEC. 5. The first session of the Legislature shall be held at the capitol in the city of Omaha, commencing on the fourth day of July, A. D. 1866.

SEC. 6. This Constitution is formed, and the State of Nebraska asks to be admitted into the Union on an equal footing with the original States on the condition and faith of the terms of the propositions stated and specified in an act of Congress, approved, April nineteenth, 1864, authorizing the people of the Territory to form a Constitution and State Government; the people of the State of Nebraska hereby accepting the conditions in said act specified.

SEC. 7. The foregoing Constitution shall be submitted to the electors of the Territory of Nebraska at an election to be held on the second day of June in the year one thousand eight hundred and sixty-six, in the several election districts of this Territory. The ballots at such elections shall be written or printed as follows :

Those in favor of the Constitution, "*For the Constitution.*"

Those against the Constitution, "*Against the Constitution.*"

The polls at such elections shall be open at the hour of nine o'clock A. M., and close at six o'clock P. M., and the returns of such elections shall be made to the acting Governor of the Territory, who, together with the United States District Attorney and Chief Justice of the Territory, or any two of them, shall canvass the same, and if a majority of the legal votes shall be cast for said Constitution, the same shall be the Constitution of Nebraska.

Said Governor shall certify the same to the President of the United States; *Provided*, that the said election shall be conducted and the returns made in the same manner and under the same regulations as are prescribed by law, in the case of the election of Territorial officers.

The election returns for the Governor, Secretary of State, Auditor, Treasurer and Supreme Judges, shall be made to the same offices, and the canvass of such return made in the same manner as is now prescribed by law for Delegates in Congress.

Resolved by the Council and House of Representatives of the Territory of Nebraska, That the foregoing Constitution be submitted to the qualified electors of the Territory, for their adoption or rejection, at an election, hereby authorized to be held at the time and in the manner specified in the seventh (7th) section of the Schedule of said Constitution, and that the returns and canvass of the votes cast at said election be made as in said section prescribed.

JAMES G. MEGEATH,
Speaker of the House of Representatives.

O. P. MASON,
President of the Council.

ALVIN SAUNDERS,
Governor of the Territory of Nebraska.

Approved, February 9th, 1866.

GENERAL LAWS.

GENERAL LAWS.

AN ACT

To correct a Clerical Error in Reporting the Passage of an Act entitled An Act to Protect Cultivated Lands from trespass by Stock.

WHEREAS, By an error on the part of the Chief Clerk of the House of Representatives, a bill entitled "An Act to Protect Cultivated Lands from Trespass by Stock," was reported to the Senate on the 15th day of February, 1869, as having been passed by the said House of Representatives, and was thereafter enrolled, signed by the Governor, and published as a law; and

WHEREAS, The said bill was, in fact, indefinitely postponed by said House on said day, as appears from the records thereof, on page 328 of the House Journal for the fifth regular session of the State; Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That the Secretary of State be required to remove from the files in his office, said pretended act, it having no force or effect as a law, and that such pretended law be considered erased from the statutes.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 21st, 1870.

AN ACT

To authorize the County Commissioners of Cuming county to issue Bonds of said county to the amount of Five Thousand (\$5,000) Dollars, and to levy a tax for the payment of interest and ultimate redemption of said Bonds.

WHEREAS, The County Commissioners of Cuming county levied a tax in the year A. D. 1869, for the purpose of building a bridge across the Elkhorn river, at West Point, in said county, which tax was afterwards ascertained to be illegal; and

WHEREAS, Said bridge having been built and a large amount remaining unpaid; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That the County Commissioners of Cuming county are hereby authorized and empowered to issue bonds of said county in a sum not exceeding five thousand (\$5,000) dollars, for the purpose of liquidating a debt against said Cuming county created by the building of said bridge.

SEC. 2. That said bonds, so authorized to be issued, shall run for a term not exceeding twenty (20) years, from the date of issue, and be of the denomination of one hundred (\$100) dollars each, bearing interest at the rate of ten (10) per centum per annum, payable annually on the first (1) day of May, and that the County Commissioners be and they are hereby authorized to levy a tax on the real and personal property in said county, not exceeding one (1) mill on the dollar of the aggregate valuation of said property. The proceeds of said tax shall be applied to the payment of the interest, and the ultimate redemption of the principal of said bonds.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved, February 22, 1870.

AN ACT

Granting the Consent of the State of Nebraska to the Purchase or Lease, by the United States, of certain Lands for the purpose of the Erection of a Military Post or Barracks in Douglas county, Nebraska.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That the consent of the State of Nebraska is hereby given to the purchase or lease, by the United States, of the lands in Douglas county, not exceeding one hundred acres, upon which is located the military post now known as Omaha Barracks.

SEC. 2. The jurisdiction of the State of Nebraska, in and over the lands mentioned in the preceding section, (when purchased or leased by the United States), shall be, and the same hereby is ceded to the United States: *Provided*, That the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy the said lands.

SEC. 3. The said consent is given, and the said jurisdiction ceded upon the express condition, that the State of Nebraska shall retain concurrent jurisdiction with the United States, in and over the said

lands so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of Nebraska, against any person or persons charged with crime or misdemeanor committed within said State, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase or grant, and so long as the said lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of this State.

SEC. 5. It is further enacted that any malicious, wilful, reckless, or voluntary injury to, or mutilation of the grounds, buildings, or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added for an aggravated offense, imprisonment not exceeding six months in the county jail or work-house, to be prosecuted before any court of competent jurisdiction.

SEC. 6. This act shall take effect from and after its passage.

Approved, Feb. 23, 1870.

AN ACT

Granting the Consent of the State of Nebraska to the Purchase by the United States of certain lands for the purpose of the erection of a Post-office and Court-House at Omaha.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That the consent of the State of Nebraska is hereby given to the purchase or lease by the United States of such lands in Omaha, not exceeding two acres in extent, as may have been or may hereafter be selected by the United States as a site for a post-office and court-house.

SEC. 2. The jurisdiction of the State of Nebraska in and over the lands mentioned in the preceding section (when purchased or leased by the United States), shall be and the same hereby is ceded to the United States; *Provided,* That the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy the said lands.

SEC. 3. The said consent is given, and the said jurisdiction ceded upon the express condition that the State of Nebraska shall retain concurrent jurisdiction with the United States in and over the said lands, so far as that all civil process in all cases and such criminal or other process as may issue under the laws or authority of the State of Nebraska, against any person or persons charged with crimes or misdemeanor committed within said State, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase or grant, and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of this State.

SEC. 5. It is further enacted that any malicious, wilful, reckless, or voluntary injury to, or mutilation of, the grounds, buildings, or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment, not exceeding six months, in the county jail or work-house, to be prosecuted before any court of competent jurisdiction.

SEC. 6. This act shall take effect from and after its passage.
Approved, February 23, 1870.

AN ACT

To correct a Clerical Error in Section One, of An Act to Provide for the Support of Illegitimate Children.

WHEREAS, A clerical error was made in enrolling an act entitled, An Act to Provide for the support of Illegitimate Children, approved, February 15th, 1869; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That Section One, of an act entitled, "An Act to Provide for the Support of Illegitimate Children," which reads as follows :

"SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That on complaint made to any justice of the peace in

this State, by any woman resident therein, who shall hereafter be delivered of a bastard child, or being pregnant with a child, which, if born alive, may be a bastard, accusing any person of being the father of such child, the justice shall take such accusation in writing, under oath, and shall thereupon issue his warrant, directed to the Sheriff or any constable of the proper county, commanding him forthwith to bring such accused person before such justice, to answer such complaint and accusation, and on arrest of such accused person, the justice shall proceed to hear the testimony produced to sustain such charge, and also any evidence offered by the defendant, and if on such examination such accused person shall appear to be the father of said child, he shall pay to the said woman her necessary lying-in expenses, and such other sum or sums as she shall agree to receive in full satisfaction, and shall also enter into a good and sufficient bond, with one or more good and sufficient sureties, in a sum not less than one thousand dollars, which bond shall be given to the county where such woman and child, or either of them, may reside, conditioned for the support of such child until it shall arrive," be, and the same is, hereby amended to read as follows, to-wit.:

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That on complaint made to any justice of the peace in this State, by any woman resident therein, who shall hereafter be delivered of a bastard child, or being pregnant with a child, which, if born alive, may be a bastard, accusing any person of being the father of such child, the justice of the peace shall take such accusation in writing, under oath, and shall thereupon issue his warrant directed to the sheriff or constable of the proper county, commanding him forthwith to bring such accused person before such justice to answer such complaint and accusation; and on arrest of such accused the justice shall proceed to hear the testimony produced to sustain such charge, and also any evidence offered by the defendant, and if on such examination such accused person should appear to be the father of such child, he shall pay to the said woman her necessary lying-in expenses, and such other sum or sums as she shall agree to receive in full satisfaction, and shall also enter into a good and sufficient bond, with one or more good and sufficient sureties, in a sum not less than one thousand (\$1,000) dollars, which bond shall be given to the county where such woman or child, or either of them, reside, conditioned for the support of the child until it shall arrive at the age of ten years.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 24, 1870.

AN ACT

To correct a clerical error of Section One of an Act entitled "an Act" to amend Section 531, of title 14, of the Code of Civil Procedure.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That section 531 of the Code of Civil procedure, as now amended and approved, February 12th, 1869, and which is in the words and figures following, to-wit: Section 531, "Nothing in this chapter shall be so construed as to exempt any property in this State from execution or attachment for clerks' labors, or mechanics' wages, or for money due and owing by any attorney at law for money or other valuable considerations received by said attorney for any person or persons," be amended to read as follows, to-wit: Section 531, Nothing in this chapter shall be so construed as to exempt any property in this State from execution or attachment for clerks', laborers', or mechanics' wages, or for money due and owing by any attorney at law for money or other valuable consideration received by said attorney for any person or persons.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved, February 24th, 1870.

AN ACT

To amend Section Six of An Act entitled "An Act to punish offenders against chastity, morality, and decency," approved, February 15th, 1869.

WHEREAS, A clerical error was made in enrolling Section Six, of an act entitled "An Act to punish offenders against chastity, morality, and decency," approved, February 15th, 1869, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That Section Six of an act entitled "An Act, to punish offenders against chastity, morality, and decency," approved, February 15th, 1869, which reads as follows :

SEC. 6. Every person who commits the crime of adultery shall be punished by imprisonment in the Penitentiary, not more than three years, or by fine not exceeding one hundred dollars, and imprisonment in the County Jail not exceeding one year, and when the crime is committed between the parties only one of whom is married, both are guilty of adultery, and shall be punished accordingly. No

prosecution for adultery can be commenced but on complaint of the husband and wife, be so amended as to read as follows. Section 6. Every person who commits the crime of adultery shall be punished by imprisonment in the Penitentiary not more than three years, or by fine not exceeding one hundred dollars, and imprisonment in the County Jail not exceeding one year; and when the crime is committed between parties, only one of whom is married, both are guilty of adultery and shall be punished accordingly. No prosecution for adultery can be commenced but on complaint of the husband or wife.

SEC. 2. This Act shall be in force, and take effect from and after its passage.

Approved, February 24, 1870.

AN ACT

To authorize the Secretary of the State to remove from the files in his office an Act entitled "an Act declaring section lines to be public roads in certain counties in the State of Nebraska."

WHEREAS, An Act of the above title is on file in the office of the Secretary of the State, and published in the statutes of the fifth session as law; and,

WHEREAS, Such bill was not passed at said session, but indefinitely postponed by the House of Representatives, as appears on page 328 of the Journal of the House of Representatives; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That the Secretary of State be instructed to remove from the files in his office an act entitled "an Act declaring section lines to be public roads in certain counties in the State of Nebraska," and said pretended law shall not be in force.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, February 28th, 1870.

AN ACT

Regulating the jurisdiction of Probate Courts in civil cases; to provide for holding regular terms of said courts, and to provide for compensation of Probate Judges.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That Probate Judges, in their respective counties, shall

have and exercise the ordinary powers and jurisdiction of a Justice of the Peace in this State; and shall have concurrent jurisdiction with the District Courts of this State in all civil cases, in any sum not exceeding three hundred dollars, exclusive of costs, and the code of civil procedure and the code relative to Justices of the Peace, of this State (where no special provision is made by this act), so far as are in their nature applicable, shall apply to all civil proceedings of said Probate Court: *Provided, however,* that said courts shall not have jurisdiction, 1st. In any action for malicious prosecution; 2d. In any action against officers for misconduct in office, except where like proceedings can be had before Justices of the Peace; 3d. In actions for slander or libel; 4th. In actions for contracts for real estate; 5th. In any matter wherein the title or boundaries of land may be in dispute, or to order or decree the sale, or partition of real estate.

SEC. 2. It shall be the duty of the Probate Judge in each county in this State to hold a regular term of court at his office, at the county seat of his county, on the first Monday of each calendar month, for the trial of such civil causes as may be brought before said courts.

SEC. 3. In all civil cases commenced under this act, wherein the sum shall exceed one hundred dollars, it shall be the duty of the Probate Judge to issue a summons, returnable on the first day of the next term of said court for the trial of civil cases, if there be ten days intervening between the issuing of said summons and the first day of said term, and if not, then to be made returnable on the first day of the next regular term thereafter; which summons shall be directed and delivered to the sheriff or any constable of said county, and said sheriff or constable shall serve the same upon the defendant or defendants, as in other civil cases, at least ten days before the return day thereof, and make return thereof on the morning of the day on which the same is made returnable; *Provided,* That when said summons has not been served ten days before the first day of said term, said cause shall be continued until the next regular term of said court, and shall then stand for trial, without further notice to the defendants.

SEC. 4. In all civil cases commenced under this act, before a summons is issued therein, the plaintiff, his agents, or attorney shall file a bill of particulars, setting forth in ordinary and concise language his demands, and the defendants shall also file, on or before the commencement of the trial, any set-off, or other defense he may have.

SEC. 5. Either party may appeal from the judgment of the court, or prosecute a petition in error to the district court, in the same manner as now provided by law in cases tried and determined

by justices of the peace. The amount of the bond taken shall be double the amount of the judgment and costs, and shall be approved by the probate judge.

SEC. 6. Any person against whom a judgment may be rendered, under provisions of this act, on all sums exceeding one hundred dollars, may have stay of execution as in like judgments rendered in the District Court of this State, and upon the same conditions, and on all sums of one hundred dollars and under, the same as provided for in the justice's code of this State.

SEC. 7. The Probate Judges shall be allowed as compensation for their services the usual fees now allowed by law to justices of the peace, and the further sum of one dollar for each and every case tried by said judge as provided for by this act.

SEC. 8. Any person having a judgment rendered by any probate court, may cause a transcript to be filed in the office of the clerk of any district court in this State, in the same manner as is now provided by law for filing transcripts from justices' dockets in said district courts, and said transcript, when so filed, shall be a lien on real estate in the county or counties where the same is filed.

SEC. 9. Either party may demand a jury for the trial of any cause pending in said probate court, and it shall be the duty of the judge to cause a jury to be selected and summoned in the same manner as is now provided by law for selecting juries by justices of the peace.

SEC. 10. The probate judge shall issue execution on judgments rendered by said court, directed to the sheriff or any constable of the county who shall proceed in all cases as is now provided by law, governing executions issued by justices of the peace.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved, February 28, 1870.

AN ACT

To correct Clerical Errors in Sections Twenty-nine (29), Thirty-three (33), Forty-six (46), Fifty (50), Fifty-two (52), Fifty-eight (58), Seventy-three (73), Seventy-four (74), and Seventy-eight (78), of An Act entitled An Act to Establish a System of Public Instruction for the State of Nebraska, approved, February 15, 1869.

WHEREAS, Clerical errors were made by the Enrolling Clerk in sections 29, 33, 46, 50, 52, 58, 73, 74, and 78 of an act entitled an act to establish a system of public instruction for the State of

Nebraska, approved on the 15th day of February, 1869, therefore

Be it enacted by the Legislature of the State of Nebraska, That said sections be corrected so as to read as follows:

SEC. 29. The said qualified voters shall also have power at any regular or special meeting to direct the purchasing or leasing any appropriate site, and the building, hiring, or purchasing of a school house, and the amount of fuel to be furnished for the succeeding year, and to levy a tax on the property of the district for the payment of the same.

SEC. 33. They may also determine at each annual meeting, the length of time a school shall be taught in the district the ensuing year, which to entitle the district to any portion of the State Fund, shall not be less than three months, in the districts which have less than seventy-five pupils, nor less than six months in districts that have between seventy-five and two hundred pupils, nor less than nine months in districts where there are more than two hundred pupils; and whether by male or female teachers, or by both; and whether the money apportioned for the support of the school therein shall be applied to the winter or summer term, or a certain portion to each.

SEC. 46. Within ten days next previous to the annual district meeting, the director shall take the census of his district, and make a list in writing of the names of the children belonging thereto between the ages of five and twenty-one years. In case of the absence or inability of the director, such census shall be taken by the moderator or treasurer, or such person as they may appoint, and a copy of such list, verified by the oath of the person taking such census, by affidavit appended to or indorsed thereon, setting forth that it is a correct list of the names of all the children belonging to the district between the ages of five and twenty-one years, shall be returned with the annual report to the county superintendent.

SEC. 50. He shall present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year, for such purpose, and for the payment of the services of any district officers, and such amount when voted by such annual meeting, shall be assessed and collected in the same manner as other district taxes; but no tax for these purposes shall be voted at a special meeting, unless a notice of the same shall be expressed in the notice of such meeting.

SEC. 52. He shall draw and sign all orders upon the treasurer for all moneys to be disbursed by the district, and all warrants upon the county treasurer for moneys raised for district purposes, or apportioned to the district by the county superintendent, and present the same to the moderator to be countersigned by him.

SEC. 58. They shall purchase or lease such site for a school-house as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school-house out of the funds provided for that purpose, and shall make sale and conveyance of any site or other property of the district, when lawfully directed by the qualified voters at any annual or special meeting. Provided: That the district shall not in any case build a stone or brick school-house upon any site without having first obtained a title in fee to the same, and also that they shall not in any case build a frame school-house on any site for which they have not a title in fee, without the privilege to remove the same, when lawfully directed so to do by the qualified voters of the district at any annual or special meeting; provided, also: That the qualified voters of the district may appoint a building committee to take charge of the work of building such school-house.

SEC. 73. The State Treasurer shall, semi-annually, on or before the third Monday in May and the first Monday in December, make out a complete exhibit of all moneys belonging to the school funds of the State, as returned to him from the several counties, together with the amount derived from other sources, and deliver the same duly certified to the State Superintendent, and within twenty days thereafter the State Superintendent shall make the apportionment of said funds to such counties, according to the *pro rata* of the enumeration of scholars, in each county, last returned from the County Superintendent, and certify the apportionment of each to the County Superintendent of the proper county, and to the State Auditor, who shall draw a warrant on the State Treasurer in favor of the various counties for the amount so specified by the State Superintendent, and the several County Superintendents shall immediately, and within twenty days after receiving said apportionment, apportion the amount of funds so certified as belonging to the general school fund for his county as follows, to-wit: One-fourth of the whole to be distributed equally to the several districts in the county, and the remaining three-fourths of the whole to be distributed to the several districts in his county *pro rata*, according to the enumeration of scholars last returned by the directors of the various districts, and no district, city, or village which shall have failed to make and return such enumeration, or shall have failed to sustain a school for the length of time required by section thirty-three, shall be entitled to receive any portion of the funds to be distributed according to the *pro rata* of enumeration.

SEC. 74. The County Superintendent shall immediately after making such apportionment, enter the same in a book kept for that purpose, and shall furnish the County Treasurer with a certified copy of such apportionment, and each of the Directors in the respective

districts in his county a certificate showing the amount due such district, which amount shall be subject to the order of the Directors, no County Treasurer, when properly countersigned by the Moderator.

SEC. 78. A certificate of election shall be immediately issued by the County Clerk to the person so elected to the office of County Superintendent, who shall, within twenty days thereafter, take and subscribe to the same oath as required of other county officers, and deposit the same with the County Clerk to be filed and preserved in his office; and it shall be the duty of the County Clerk to report the name and address of the County Superintendent to the State Superintendent of Public Instruction. The County Superintendent thus elected shall enter upon the duties of his office on the first day of November following.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 1, 1870.

AN ACT

To fix the Time for Holding the District Courts in the First and Second Judicial Districts of Nebraska.

Be it enacted by the Legislature of the State of Nebraska, That the time for holding the regular terms of the District Court in the First Judicial District be as follows :

In the county of Richardson, on the third Monday of April and the second Monday of November.

In the county of Nemaha, on the second Monday of March and first Monday of September.

In the county of Otoe, on the third Monday of March, September, and December.

In the county of Johnson, on the second Monday of May and October.

In the county of Gage, on the third Monday of May and October.

In the county of Pawnee, on the fourth Monday of May.

In the county of Jefferson, on the first Tuesday after the fourth Monday in October.

That the time for holding courts in the Second Judicial district be as follows :

In the county of Cass, on the second Monday of April and first Monday of November.

In the county of Sarpy, on the first Monday in March and September.

In the county of Douglas, on the second Monday in December, March, June, and September.

In the county of Saunders, on the third Tuesday in November.

In the county of Lancaster, on the fourth Tuesday of April and November.

In the county of Seward, on the third Tuesday of November.

All acts and parts of acts inconsistent with this act are hereby repealed.

This act shall not take effect and be in force in the counties of Johnson and Sarpy until the first day of June, 1870.

Approved, March 2d, 1870.

AN ACT

Supplemental to an act entitled "An Act to establish the University of Nebraska," approved, February 15th, 1869.

Be it enacted by the Legislature of the State of Nebraska, That Section Twenty-two, (22) of an act entitled "An Act to Establish the University of Nebraska," approved, February 15th, 1869, which is in the words following, to-wit: Section 22, "The Regents shall purchase all apparatus for the University, and shall make an annual appropriation for books for a general library, (for which until a suitable building is provided), a room shall be set apart in the State House," shall be and is hereby repealed, and instead thereof it is hereby enacted as follows, that is to say.

SECTION 22. The Treasurer of State shall be the custodian of the principal of the endowment fund of the University, and shall with the advice of the Governor and Auditor, make the investments thereof as provided in Section 21st, of the Act to which this Act is supplementary. He shall pay over monthly to the Treasurer of the University, all moneys of the University derived from interest, State University tax, or other sources, which by the preceding Section are made applicable to the Regents' Fund, and take his receipt therefor. The Regents shall from the moneys carried to the general account of the Regents' Fund, provide necessary furniture for the University Building, and all apparatus and text-books, and make an annual appropriation for books for a general library.

The Treasurer of the University shall pay out no moneys except

upon a warrant drawn upon the Secretary, and countersigned by the President of the Board of Regents, and all warrants so drawn shall distinctly specify the object for which payment is thereby made, and the date of the resolution or order of the Board of Regents authorizing the draft, and the Secretary shall keep a full record of all warrants drawn on the Treasury of the University, and shall lay before every meeting of the Board of Regents, a detailed statement of all such warrants drawn subsequent to the preceding session of the Board.

Provided, No moneys belonging to the Regents' Fund shall be applied in the construction of the University Building. *Provided further*, That no money arising from the endowment fund, shall be diverted from the purpose for which it was intended by Act of Congress granting the same.

This act shall take effect, and be in force from and after its passage.

Approved, March 2nd, 1870.

AN ACT

To Provide for the Election of an additional Congressman.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That at the regular election for State officers in 1870, there shall be elected two members of Congress at large for this State: *Provided*, That one of the members shall be voted for as "Member of Congress," the other as "Member of Congress Contingent," and shall be entitled to a seat only in the event that Congress may declare Nebraska entitled to one additional member.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved, March 2, 1870.

AN ACT

To amend Sections Two and Five of an act entitled An Act to enable Counties, Cities, and Precincts to borrow money on their bonds, or to issue bonds to aid in the construction or completion of works of internal improvements in this State and to legalize bonds already issued for such purpose. Approved, February 15, 1869.

SECTION 1, *Be it enacted by the Legislature of the State of Nebraska*, That Section 2 of the said acts, which reads as follows: "The proposition of the question must be accompanied by a provision to levy a tax for the payment of the principal and interest of said bonds in addition to the usual taxes, and sufficient to meet the payment of the principal and interest of said bonds, and to continue from year to year until said bonds are paid," be amended to read as follows: The proposition of the question must be accompanied by a provision to levy a tax annually for the payment of the interest on said bonds as it becomes due; *provided*, that an additional amount shall be levied and collected to pay the principal of said bonds, when it shall become due; and *provided further*, that no tax shall be levied or collected to pay any of the principal of said bonds until after the year 1880.

SEC. 2. That section 5, of said act, which reads as follows: "It shall be the duty of the proper officers of such city or county to cause to be annually levied, collected and paid to the holder of such bonds a special tax upon all taxable property within said county or city, sufficient to pay the annual interest, and finally to pay the principal thereof, which tax, when levied, shall be a lien upon all the taxable property in said county or city, and shall be collected in the same manner as the ordinary tax of such county or city," be amended to read as follows: It shall be the duty of the proper officers of such county or city to cause to be annually levied, collected and paid to the holders of such bonds a special tax on all taxable property within said county or city, sufficient to pay the annual interest as the same becomes due; and when the principal of said bonds become due, such officers shall in like manner collect an additional amount sufficient to pay the same as it becomes due: *Provided*, That when any bonds have been heretofore issued, such officers shall not levy or collect any amount more than may be necessary to pay the amount annually falling due by the condition of such bonds, until after the year 1880: *Provided*, That not more than ten per centum of the principal of said bonds shall be collected in any one year, excepting where bonds have been heretofore issued, and by the conditions of such bonds are required to be paid in some other manner.

SEC. 3. That after the year 1880, the officers of any county or city may levy and collect, not exceeding ten per centum of the principal of said bonds: *Provided*, Said bonds are not payable in instalments not exceeding ten per centum; and whenever any county, city, or precinct shall have on hand an amount exceeding two thousand dollars for the payment of the principal of said indebtedness, the corporate authorities of such county or city shall advertise for the surrender of any of such indebtedness; and the person offering to surrender such indebtedness on the lowest and best terms shall receive the money, and surrender such indebtedness; and if at any time there shall have accumulated a sum exceeding ten thousand dollars, the same may be invested in Nebraska State stocks, or in United States stocks.

SEC. 4. All taxes which have been paid to raise a sinking fund to pay the principal of such indebtedness, and now on hand, shall be returned to the person paying the same. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved, March 3, 1870.

AN ACT

To amend Section One of an act entitled "an Act to amend Section One of an act entitled 'an Act to provide for the publication of the decisions of the Supreme Court, and for the payment of the reporter, approved, February 12th, 1869,' approved, February 15th, 1869."

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That Section One of an act entitled: "An Act to amend Section One of an act entitled 'an Act to provide for the publication of the decisions of the Supreme Court, and for the payment of the Reporter,'" which reads as follows:

"SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That the reporter appointed as hereafter to be appointed by the Supreme Court, shall prepare the decisions of the said court, by giving the title of each cause; a syllabus of the point decided, a brief statement of the facts bearing on the point decided, unless the same be sufficiently stated in the opinion, the name of the counsel, and a reference to such of the authorities cited as have a special bearing on the case, and shall prepare a full and complete index and table of cases for each volume," be amended so as to read as follows:

"SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That the reporter hereafter to be appointed by the Supreme

court shall prepare the decisions of said court by giving the title of each cause, a syllabus of the point decided, a brief statement of the facts bearing on the point decided, unless the same be sufficiently stated in the opinion, the name of the counsel, and a reference to such of the authorities cited as have a special bearing on the case, and shall prepare a full and complete index and table of cases for each volume; *provided*, that the provisions of this act shall apply only to such reporter as may be appointed after the passage hereof, and shall in no way be construed as applying to any reporter appointed prior thereto," be amended so as to read as follows:

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That the Justices of the Supreme Court shall appoint a reporter of their decisions in said court; it shall be his duty to prepare in the usual manner and publish in a neat and substantial form and bind in good law leather, the cases determined in the Supreme Court of the State, within six months from the filing of the decisions with him by the judges; and if the material shall be insufficient to form a volume, he shall publish the same in pamphlet form until sufficient be accumulated to form a volume; he shall deliver one thousand copies of each volume to the State Auditor, who shall thereupon draw and deliver to him, his warrant on the Treasurer of State in payment therefor at the rate of four dollars per volume; and also for five hundred dollars for his compensation; the copies for the State shall be disposed of as provided in the law to which this is an amendment; said reporter shall have the copyright of the volumes of reports published by him; the necessary funds to pay the sums above stated are hereby appropriated out of any funds in the Treasury not otherwise appropriated. *Provided*, That the pamphlet copies herein authorized to be published shall not be considered as volumes in the meaning of this act, and shall not be paid for as such by the State.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 3d, 1870.

AN ACT

To authorize Deputy Clerks to take Acknowledgments of Deeds and other Instruments, and to legalize Acknowledgments already taken by such Clerks.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That deputy clerks of the district and county courts in

this State be and they are hereby authorized to take acknowledgments of deeds and other instruments of writing in the name of their principals, and that said acknowledgments shall be as legal and valid as if taken by their principals.

SEC. 2. All deeds or other instruments of writing heretofore acknowledged in the usual form before any deputy clerk of the district or county courts of any county in this State shall be and they are hereby declared legal and valid.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved, March 4, 1870.

AN ACT

To amend An Act entitled "An Act to Fix the Time of Holding the District Courts in the First and Second Judicial Districts.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That there shall be a term of the district court held in Saline county, on Thursday after the third Monday in May in the year 1870, and after the year 1870 said court shall be held on the first Monday after the fourth Monday in October in each year.

Approved, March 4, 1870.

AN ACT

To restrain stock from running at large in the State of Nebraska.*

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That it shall be unlawful for cattle, horses, mules, sheep, swine and other stock to run at large at any season of the year in the State of Nebraska.

SEC. 2. That when any such stock shall be found on the premises of another, it shall be lawful for the owner or person in possession of said premises to impound said stock, and if the owner of said stock can be found and is known to the taker up, it shall be the duty of said taker up to notify him within two days, by personal service or by leaving a written notice at his usual place of residence with some person of his family over the age of fourteen years, of the taking up of said stock, describing it, and requiring him forthwith to take said stock after making full payment of the damages and costs to the

* See Act March 8, 1871.

taker up ; in case the owner is not known to the taker up of said stock, he shall advertise the same for four consecutive weeks in the newspaper published in the county and of general circulation, or in case no newspaper be published in said county, then in a weekly paper published in the State and of general circulation in the county ; such notice shall minutely describe the animals, and also state the date of taking up ; *provided*, the person injured by the trespass may recover his damages by a suit before a justice of the peace if he so elect.

SEC. 3. In case the parties cannot agree as to the amount of damages and costs, each party may choose a man, and in case either party refuse so to choose a man, then the nearest justice of the peace of the county shall choose a man instead, and in case the two men chosen cannot agree they shall choose a third man, who, after being duly sworn for the purpose, the three or a majority of them, shall proceed to assess the damages, possessing for that purpose the general power of arbitrators, and the said arbitrators shall make an award in writing, and their decision shall be final, from which there shall be no appeal by either party ; a copy of which award shall be filed with the nearest justice of the peace in said county, and shall operate as a judgment at law, and execution shall issue at the request of the party in whose favor said award was found, for the collection of damages and costs as in other cases.

SEC. 4. And if the owner fail to appear and pay all damages and costs aforesaid, to the taker up after two day's notice of such decision, the taker up shall have full power and authority to sell the trespassing animal or animals by giving fifteen day's notice by posting up three written notices in three of the most public places in the precinct, of the time and place of sale of the animal or animals or so many thereof as shall be sufficient to pay all damages and costs arising by virtue of such taking up and sale, and the surplus, if any, to be paid to the said justice, to be held by him subject to the order of the owner of the stock so sold.

SEC. 5. No assessment or collection shall be made under the provisions of this act for damages done on uncultivated lands unless said lands be surrounded by a strip of breaking or plowed ground at least one rod wide ; *provided*, that Douglas county be exempted from the provisions of this section.

SEC. 6. Any person or persons who shall by force, stealth, or intimidation obtain possession of any stock taken up or impounded under the provisions of this act or cause the same to be done contrary to the provisions of this act, shall be deemed guilty of misdemeanor and subject to a fine of not less than five and not more than one hundred dollars, and to be liable to arrest, trial, and conviction as in like cases of misdemeanor ; *provided*, that the following counties be

exempted from the operation of this act, to wit: Dodge, Dakota, Cedar, Dixon, l'Eau Qui Court, Hall, Merrick, Buffalo, Pawnee, Platte, all of Cass except Weeping Water and Louisville precincts; *and provided further*, that the following precincts be also exempt from the operation of this act, to wit: Peru, Brownville, Nemaha City, Aspinwall, St. Deroir, and Benton precincts in Nemaha county; Riverside, Decatur, Silver Creek, Arizona, Tekama precincts in Burt county; Pappillion, Bellevue and Fairview precincts in Sarpy county, and a strip of five miles wide in Washington county bordering on the Missouri river; *provided*, the operation of this act shall be in force in the following precincts only between sunset and sunrise, to wit: Four Mile, Belmont, Otoe, Nebraska City and that part of Wyoming east of the range line between range twelve and thirteen in the county of Otoe.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved, March 4th, 1870.

AN ACT

To Repeal an Act to Require the Treasurer to keep constantly on Hand the identical Funds received by him as such Treasurer, until the same shall be paid out on warrants drawn on such Treasurer, Approved, February 15, 1869.

SECTION. 1. *Be it enacted by the Legislature of the State of Nebraska*, That an act entitled an act to require the Treasurer to keep constantly on hand the identical funds received by him as such Treasurer, until the same shall be paid out on warrants drawn on such Treasurer, approved, February 15, 1869, be and the same is hereby repealed.

Approved, March 4, 1870.

AN ACT

To authorize the County Commissioners of Pawnee county to issue bonds to pay off certain indebtedness of said county.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That the county commissioners of Pawnee county are

hereby authorized, if they deem it necessary, to issue bonds of said county to the amount of eight thousand dollars, running for a time not exceeding ten years, bearing interest at the rate of ten per cent per annum, payable semi-annually by the treasurer of said county. Such bonds shall be each for the sum of fifty dollars; and for the payment of the interest on said bonds, and the establishment of a sinking fund for the payment of the principal of said bonds, an annual tax, not exceeding two mills on the dollar of the county valuation, is hereby authorized to be levied in addition to the usual taxes now allowed by law for the liquidation of county indebtedness, if necessary.

SEC. 2. The proceeds of said bonds shall be used solely to pay off the present indebtedness of the county incurred in the erection of the county court-house of said county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 4, 1870.

AN ACT

To Encourage and Facilitate Foreign Immigration to this State.*

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska*, That F. Krug, of Douglas county; William Bishop, Esq., of Otoe county, and C. C. Smith, Esq., of Richardson county, be, and the same are hereby appointed and constituted a Board of Immigration.

SEC. 2. There is hereby created the office of Commissioner of Immigration of the State of Nebraska, and said office shall be filled, and the duties and emoluments thereof shall be as hereinafter prescribed.

SEC. 3. The Secretary of State shall immediately after the passage of this act notify the aforementioned persons of their appointment, and within ten days after having been notified as aforesaid, the said Board of Immigration or a majority thereof shall meet in Nebraska City, and then and there appoint one capable person to the said office of Commissioner of Immigration, and they shall notify the person so appointed as aforesaid of his said appointment; and said Board of Immigration or a majority thereof shall fill all vacancies in said

* Repealed, March 1, 1871.

office, and they shall audit the salary of said Commissioner, and if found correct, transmit the same with their approval endorsed thereon to the Auditor of State, who shall draw his warrant on the State Treasurer for the amount thereof, and the State Treasurer shall pay the same; the Board of Immigration shall have authority to appoint suitable local agents in Nebraska without expense to the State, and make all needful rules and regulations for the government of said agents.

SEC. 4. The person so appointed to the said office of Commissioner of Immigration shall within ten days after being notified of his appointment take and subscribe before an officer authorized to administer oaths, the oath of office required to be taken by State officers, and the same shall be filed with the Secretary of State, and thereupon the Governor shall issue and transmit to said Commissioner his commission under the great seal of the State.

SEC. 5. It shall be the duty of said Commissioner of Immigration without delay to prepare a full and accurate agricultural, geographical, geological, and statistical description of the State of Nebraska, in such language or languages as said Board of Immigration, or a majority thereof, may designate, and together with all necessary maps and such other matter as said Commissioner shall deem important and useful, to cause the same to be printed and published in pamphlet form not to exceed seventeen hundred dollars in value.

SEC. 6. Said Commissioner shall reside in the city of New York during his continuance in office and there receive all persons wishing to emigrate to Nebraska; to superintend and assist in their embarkation, and to take care that they are forwarded to this State by the cheapest and most direct and comfortable route; he shall by distributing the aforesaid pamphlets, and by employing such other efforts and means as he shall deem judicious and meet, attract and induce immigration to this State; *Provided*, That said Commissioner is to receive no compensation whatever for expenses incurred by him in addition to his salary; said Commissioner shall make a full and true report of his official acts to said Board of Immigration monthly, as well as to the Legislature at their next regular session; the salary of said Commissioner of Immigration shall be at the rate of fifteen hundred dollars per annum, and said Commissioner shall hold his office for one year, unless the same be sooner abolished by law; that said Commissioner shall receive pay at the above rate, only for the time he may be engaged in the discharge of his duties as prescribed by this act.

SEC. 7. Each member of said Board of Immigration shall be allowed a per diem of three dollars while actually serving, and the mileage now allowed to members of the Legislature; *Provided*, said

Commissioners shall not receive pay for more than three days in any one month.

SEC. 8. The sum of thirty-five hundred dollars is hereby appropriated to pay the salary of the said Commissioner, the per diem of the members of the Board and their mileage, and for the publication of said pamphlets, out of any moneys in the State treasury unappropriated.

SEC. 9. Any and all moneys in the hands of any and all former boards of immigration of the late territory of Nebraska are hereby transferred to the general fund of this State for the purpose of being expended by the Board of Immigration for the objects herein contemplated.

SEC. 10. The act entitled "An act to create a Board of Immigration, and to encourage immigration to Nebraska," approved, February 12, 1866, and all other acts conflicting with this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved, March 4, 1870.

A N A C T

To provide for the temporary care and custody of the State prisoners of the State of Nebraska, and provide a temporary penitentiary for such prisoners.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That the State Prison Inspectors and warden shall provide at or near Lincoln, in Lancaster county, State of Nebraska, for the temporary safe keeping of all prisoners now under sentence to the penitentiary of the State, and all such as shall be hereafter sentenced.

SEC. 2. All persons now under sentence to the penitentiary of the State and confined or imprisoned in county jails, shall be transferred under the direction of the State Prison Inspectors and warden aforesaid, to said temporary penitentiary at Lincoln, and there put at work upon the public buildings and in the stone quarries for the use and benefit of the State, for the hours specified in their respective sentences.

SEC. 3. Said State Prison Inspectors and warden are hereby authorized to hire out or contract the labor of said prisoners upon the best terms which can be obtained, if it shall be deemed by them for the best interests of the State so to do.

SEC. 4. There is hereby appropriated out of the treasury of the State, to be drawn in the usual manner, the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act.

SEC. 5. The said State Prison Inspectors and warden shall each give bond with sureties, to be approved by one of the Judges of the Supreme Court, in the sum of five thousand dollars, conditioned for the faithful discharge of their duties according to law.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, March 4, 1870.

AN ACT

To authorize the raising of troops on extraordinary occasions, and to authorize the organization of State troops.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That every able-bodied male citizen of this State between the ages of eighteen and forty-five years shall be liable to do military duty, except officers of the United States and all State and county officers shall be exempt from doing military duty.

SEC. 2. The Governor shall, as the commander-in-chief of the militia, in case of insurrection, invasion, or war, order out for actual service, from time to time, as many of the militia, whether organized into companies, battalions, regiments, or not, as he may think the case demands; and the militia, when so called into actual service, shall receive the same pay and subsistence as is provided for like troops in the service of the United States. The commanders of companies, battalions, or regiments, shall in case of sudden invasion or insurrection, and when the life, liberty, or property of the State is in imminent peril, call out their respective commands in whole or in part, for the purpose of repelling any invasion, suppressing any insurrection, or preserving the lives, liberties, and property of the inhabitants of the State; but in no case when troops are called out by any authority other than upon the order of the Governor, shall there be any pay or subsistence allowed, unless the necessity for such service shall first be duly shown to the satisfaction of the Legislature of the State of Nebraska.

SEC. 3. Whenever the Governor shall deem it necessary to order out any of the militia, he may call on them by companies or by

counties, to furnish the number of men required, as he shall deem best, having due regard to the exposed and sparsely settled condition of the frontier counties, and he shall not call upon them to send any men out of their own counties, except when demanded by imperative necessity.

SEC. 4. There may be, under the provisions of this act, independent companies organized, and each company of militia organized under the provisions of this act, shall in its organization conform to the laws and regulations of the United States army, and all company officers shall be elected by the members of the company, and it shall be the duty of the captains of said companies, immediately upon organization, to forward a roll of the company to the Adjutant-General of the State. The Governor shall thereupon commission the said officers.

SEC. 5. The Governor shall be commander-in-chief of the militia and volunteer troops of the State, and he shall arm and equip when in his judgment he shall deem it necessary for the protection of the citizens thereof, the same, so as to conform to the laws and regulations of the United States army. He may order and direct companies to form into battalions or regiments; the order for this purpose shall designate the companies to be formed into any such battalion or regiment. He may order and direct regiments to form into brigades, and the order for this purpose shall designate the regiments to form such brigade. Two or more brigades shall form a division.

SEC. 6. The Governor shall appoint, except where elected, as hereinbefore provided, and commission all officers.

Approved, March 4, 1870.

AN ACT

To provide for the erection of a Penitentiary, and for the care and custody of State Prisoners.*

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That there shall be erected and continually maintained for the care and custody of convicts in Nebraska, a Penitentiary on the forty (40) acres of land now set apart for the location of a Penitentiary by the Commissioners for the location of public buildings of the State of Nebraska, in such position that the building can be reached by

*See Rev. Statute, p. 664, and Acts Feb. 20, March 9, March 4, 1870; March 20, 1871.

tracks of railroads ; *provided*, that the Midland Pacific railroad, or any other railroad reaching the grounds will agree and contract with other railroads centering at Lincoln for the use of their main and side tracks between Lincoln and said Penitentiary buildings upon fair and equitable terms; *provided further*, that if such contract or agreement cannot be made with said railroad company, the inspectors appointed by this act shall have the right to locate the said Penitentiary on any other suitable grounds of not less than forty acres within a radius of five miles of Lincoln, subject to the condition of the former proviso ; *and provided further*, that said re-location shall be made without additional expense to the State of Nebraska.

SEC. 2. That said Penitentiary shall be erected and continued under the direction and government of three inspectors, which inspectors shall be elected by ballot of both branches of this Legislature, which said inspectors shall hold their respective office as follows: The term of office of one of said inspectors shall expire on the first day of January, A. D., 1871; the term of one of said inspectors shall expire on the first day of January, A. D., 1873; the term of office of the other inspector shall expire on the first day of January, A. D., 1875; and at the election in October, 1870, one inspector shall be elected by the people who shall hold his office for six years from the first day of January then next ensuing, and every general election thereafter one prison inspector shall be elected who shall hold his term of office for the term of six years from the first day of January next succeeding his election.

SEC. 3. That said inspectors shall immediately proceed in the erection of a suitable building for a Penitentiary upon such lands within the aforesaid limits as they may select therefor, and for such purpose are hereby authorized to sell the fifty sections of land granted for such purpose by act of Congress entitled "An act to enable the people of Nebraska to form a Constitution and State Government and for the admission of the State into the Union on an equal footing with the original States," dated April 19th, 1864, or a sufficient amount thereof to realize the amount of money hereinafter appropriated; a list of the aforesaid lands shall be furnished said board by the Auditor on or before the first day of April, 1870.

SEC. 4. That they shall proceed to sell said lands at the Capitol of the State in manner as follows: 1st. They shall cause to be inserted in such newspapers as they may designate, an advertisement containing specific descriptions of each tract of land to be sold, stating the time, manner and condition of sale, which advertisement shall be continued from the first week in April until the first Monday in June, 1870, at which time said sale shall be commenced, and said inspectors shall continue to sell from day to day, said lands at public auction to the highest and best bidder for cash until the necessary quantity

of lands have been sold; *provided*, that no lands shall be sold for a less price than five dollars per acre and that the lands shall have been appraised by said inspectors, and shall not be sold for less than their appraised value; *and provided further*, the sale may be adjourned for a time not exceeding six months.

SEC. 5. That the funds arising from said sale are hereby appropriated for the purpose of erecting said Penitentiary and shall be expended by said inspectors for such purpose and in manner as hereinafter provided.

SEC. 6. That at the time of advertising for the sale of said lands, said inspectors shall also advertise for plans and specifications for a suitable building for a Penitentiary, which plans may or may not be accompanied with the price for which the projector will perform the work and erect the said building; plans and specifications shall continue to be received until the first day of the sale of said lands hereinbefore provided for; and on that day they shall select the plan of the building, and said plan shall be placed on file in the office of the Secretary of State, and it shall be by him kept open for inspection for one week; during which time parties desiring to make proposals to erect the said building on the plan so selected and placed on file as aforesaid, shall submit the same to said inspectors together with the names of parties who will guarantee that if the proposal be accepted, the work shall be performed according to the conditions of the contract hereinafter provided for, and at the expiration of said time and on the 13th day of June, 1870, at 2 p. m., said inspector shall, in a public manner in the Representative Hall of the Capitol, then and there award the contract for erecting said building according to the plan so selected, to the lowest responsible bidder therefor; *provided*, that the said contractor shall give bond with sufficient sureties, to be approved by the said inspectors, conditioned for the faithful performance of the contract; *provided*, that the inspectors shall reserve the right to reject any and all bids, if in their judgment they are too high and may again advertise for proposals.

SEC. 7. That the walls of the building containing the cells and of the prison yard of said Penitentiary, shall be constructed of good substantial stone masonry, and that the cells shall be lined with suitable iron if thought necessary by the inspectors; they shall be of a suitable size and the material used shall be examined by said inspectors, and they shall reject all material which they may deem unsuitable.

SEC. 8. That when any of the lands aforesaid have been sold by said inspectors, they shall deliver to the purchasers thereof a certificate of purchase, which shall contain a description of the lands, together with the price for which the same were sold, and upon the presentation of said certificate of purchase to the Treasurer and the

payment of the sum of money specified therein, the Treasurer shall issue to said purchaser his receipt, which shall specify the description of the land and the purchase price thereof, corresponding with the certificate of purchase; and such certificate shall be recorded by the Treasurer in a book to be kept for that purpose; said book and certificates shall at all times be open for inspection. The purchaser on filing his receipt with the Secretary of State shall be entitled to receive a patent for the land therein described, and the Secretary shall keep a record of all patents issued, and the consideration received therefor.

Sec. 9. All moneys received into the treasury from the sales of said lands shall be held by the Treasurer as a Penitentiary Fund, and be kept separate from other funds, and separately accounted for, and shall be paid out on the warrant of the Auditor as hereinafter provided, which warrant shall specify the fund from which the money shall be drawn.

Sec. 10. The inspectors, as the work progresses, on the application of the contractor or contractors shall certify to the Auditor of State the value of the work accomplished at the time, and on such certified statement, the Auditor shall issue a warrant on the Treasurer of the State for a sum not exceeding seventy-five per cent of the value of the work so certified.

Sec. 11. That the contract aforesaid shall stipulate that the walls shall be constructed of stone of suitable size and of firm texture and shall be laid in good cement, and that all other material shall be of good quality, and that the work shall be completed in good workmanlike manner within one year from the letting of the contract.

Sec. 12. Said inspectors shall make a full and complete report to the Legislature of each session of all their doings, specifying the amount paid to each person and for what service or material the same was paid, a description of the lands sold, to whom, and for what amount, together with a copy of all contracts; the said inspectors and their sureties shall be held responsible for all their acts until the Legislature shall order their said bonds to be delivered up to said inspectors.

Sec. 13. That said inspectors shall receive five dollars per day for every day they may be actually employed about the erection of said buildings; *provided*, that but one of said inspectors shall be in constant attendance during the progress of said work, and traveling expenses not exceeding ten cents per mile for each mile actually and necessarily traveled in the discharge of their duties; the said sums to be paid out of the Penitentiary fund on the warrant of the Auditor, and all necessary expenses for postage, stationery and advertising, not exceeding the sum of two thousand dollars, shall be paid out of said Penitentiary fund in the manner aforesaid.

SEC. 14. That after the completion of the Penitentiary the board of inspectors shall hold their meetings at the office of the Penitentiary, and at the first meeting held after the appointment of each inspector, shall elect one of their number president.

SEC. 15. The officers of the Penitentiary shall consist of one warden, who shall be principal keeper of the Penitentiary and clerk of the board of inspectors, one deputy warden who shall be chief turn-key, and both of whom shall reside at the prison, one physician and one chaplain, and such number of assistant keepers and guards, as the warden and inspectors shall deem requisite.

SEC. 16. The warden shall be appointed by the Governor, by and with the consent and advice of the Senate and shall hold his office for the term of two years, and until his successor shall be appointed and qualified, unless sooner removed by the Governor.

SEC. 17. The chaplain and physician shall be appointed by the board of inspectors and shall hold their respective offices during the pleasure of the board; the deputy warden and assistant keepers and guards shall be appointed by the warden with the assent of the inspectors, and shall hold their offices during the pleasure of the warden.

SEC. 18. The inspectors from time to time shall inquire into and examine all matters connected with the government, discipline and police of the Penitentiary, the punishment and employment of the prisoners confined therein, and they may from time to time require reports from the warden in relation to any and all of said matters.

SEC. 19. They shall inquire into any improper conduct alleged to have been committed by the warden or any other officer of the Penitentiary, and for that purpose the president of the board has power to issue subpoenas to compel the attendance of witnesses and the production of papers and writings before them, in the same manner and with the like effect as in cases of arbitration.

SEC. 20. The inspectors may examine any witnesses who appear before them on oath to be administered by the president of the board, or in his absence by any other inspector.

SEC. 21. The warden and other officers of the Penitentiary at all times shall admit the inspectors, or either of them, into every part of said Penitentiary, exhibit to them, or either of them, on demand, all the books, papers, accounts, and writings, pertaining to the Penitentiary, or to the business government, discipline or management thereof, and render them every other facility in their power to enable them to discharge their duties under this title.

SEC. 22. The board of inspectors shall keep minutes of their proceedings and meetings, which shall be signed by the president and attested by the clerk.

SEC. 23. The inspectors shall meet once in each month at the

Penitentiary and inspect the same, and a majority shall constitute a quorum for the transaction of business; they shall make all necessary rules and regulations for the direction and government of all the officers of the Penitentiary, and all rules and regulations adopted by them shall be submitted to the Governor, who shall approve or modify the same, and such rules and regulations with their proceedings at each meeting shall be recorded by the clerk, who shall attend their meetings for that purpose.

SEC. 24. A printed copy of the rules and regulations of the Penitentiary shall be furnished to every officer and guard of said Penitentiary at the time he is appointed and sworn.

SEC. 25. The warden or deputy warden shall keep a daily journal of the proceedings of the Penitentiary, in which he shall note all infractions of the rules and regulations of the Penitentiary, by any officer or guard thereof, and make a memorandum of every complaint made by any convict of cruel or unjust treatment by any officer of the Penitentiary, or a want of proper clothing or food, and also any infraction of the rules and regulations of the Penitentiary by any prisoner, naming him and specifying the offense, and also what punishment, if any, was awarded; which journal shall be laid before the inspectors at every stated meeting, and at every special meeting when demanded.

SEC. 26. The inspectors on the first Monday of December annually, shall audit, correct, and settle the accounts of the warden with the prison and the State, for the year ending on the last day of November preceding, and make report of the same immediately to the Governor, which report must embrace and exhibit all particulars necessary to give the Governor a full understanding of the fiscal year, and all other matters pertaining to the management of the prison, and they shall at the same time furnish an estimate of the probable income and expense of the Penitentiary for the ensuing year.

SEC. 27. They shall cause a transcript of the record of their proceedings to be made by their clerk quarterly and transmit the same to the Governor.

SEC. 28. They shall appropriate annually out of the fees received from visitors or from other funds of the Penitentiary a sum not less than twenty-five dollars, to be expended in the purchase of books or periodicals for the use of the prison library.

SEC. 29. There shall be paid to the officers of the prison the following yearly salaries and compensation to be paid quarterly out of the State Treasury on the warrant of the Auditor, to-wit: To the warden the sum of fifteen hundred dollars; to the deputy warden the sum of nine hundred dollars; to the inspectors the sum of five dollars per day for each day actually and necessarily employed in the discharge of their duties; to the chaplain and physician and

assistant keepers and guards such sums as the board of inspectors deem proper and just.

SEC. 30. The warden and deputy warden shall before entering upon their official duties, file in the office of the Secretary of State the proper oath, together with bonds executed to people of this State with two or more sureties, duly approved by the Governor; the warden in the sum of twelve thousand dollars, and the deputy warden in the sum of five thousand dollars, conditioned for the faithful performance of their duties according to law.

SEC. 31. The warden shall attend constantly at the Penitentiary, except when performing some other duty connected with his office; he shall exercise general supervision over and give necessary directions to the keepers and guards, examine whether they have been vigilant in the discharge of their respective duties, examine daily into the health of the prisoners, and take charge of the real and personal estate belonging to or connected with the Penitentiary.

SEC. 32. All the transactions and dealings of the prison shall be conducted in the name of the warden, who shall be capable in law of suing and being sued in all courts and places in all matters concerning the said prison by his name of office, and by that name he is hereby authorized to sue for and recover all sums of money, or any property due from any person to any former warden of said prison, or to the people of this State on account of said Penitentiary.

SEC. 33. The shops and such vacant ground as the inspectors deem proper may be leased by the inspectors and warden to parties from whom they obtain the highest and best price; and for such length of time as they may deem for the interest of the State, but not for a longer term than five years for any one time.

SEC. 34. The warden and inspectors may let to service all able bodied convicts confined in the Penitentiary, except such as are precluded by the terms of their sentence, to the lessee of the shops and fixtures for such a term of years as they may deem proper, not to exceed five years at any one time, for the highest and best price they can obtain; *provided*, such contracts shall be approved by the Governor and Auditor of State.

SEC. 35. The rents, revenues, and profits derived from the leasing of the Penitentiary shops, grounds, and convict labor, together with all charges for maintaining other than State convicts, shall be paid to the warden and by him paid into the State Treasury.

SEC. 36. The necessary provisions, fuel, lights, clothing, bedding, medicine, and all other supplies for the Penitentiary shall be furnished by contract, when the same is practicable, to be made by the warden, under the direction of the inspectors, with such persons as will furnish the same on the best terms.

SEC. 37. All contracts made by the warden shall be reduced to

writing and a copy of the same shall be submitted to the inspectors at their first meeting held thereafter, and a copy filed in the office of the Penitentiary.

SEC. 38. No officer of the Penitentiary shall employ the convicts on a work in which he or any other officer has a personal interest, nor be connected nor have any interest in the business or shops belonging to the Penitentiary.

SEC. 39. The warden shall keep a regular and correct account of all moneys received by him from every source by virtue of his office including all moneys taken from convicts, or received from proceeds of property taken from them, and of all moneys paid by him, and the person to whom, and the purpose for which the same were paid; and shall make out and deliver to the inspectors quarterly, a statement duly verified, of all moneys received and paid by him on account of the Penitentiary, specifying from whom received and to whom made, and on what account, and the balance remaining in his hands at the time of rendering of said account.

SEC. 40. The warden shall annually, on the last day of November of each year, close his accounts, and on or before the fifth day of December next thereafter, render to the Auditor of State a full and true account of all moneys received by him, and of all moneys expended by him on account of the Penitentiary, with sufficient vouchers therefor, which account shall be duly verified by the warden.

SEC. 41. He shall annually on or before the third day of December in each year, make and deliver to the inspectors of the penitentiary a report exhibiting a complete and detailed statement of the transactions of the Penitentiary during the year preceding, stating the number of convicts confined therein, and all other matters relating to the same and the management thereof.

SEC. 42. He shall report to the Secretary of State on the first Monday of December in each year, the names of all the convicts pardoned the preceding year, the county in which they were tried, and the term for which they were sentenced.

SEC. 43. When any convict offers violence to any officer or guard of the Penitentiary, or to any other person or convict, or attempts to do any injury to the buildings or any workshop, or to any appurtenances thereof, or disobeys and resists any reasonable command of any officer or guard, such officers and guards shall use all reasonable means to defend themselves, and to enforce the observance of discipline.

SEC. 44. If any convict resists the authority of any officer, keeper, or guard of the Penitentiary, or refuses to obey any lawful command, such officer, keeper, or guard shall immediately enforce

obedience by the use of such weapons or other aid as may be necessary for the purpose, and if in so doing any convict thus resisting shall be necessarily wounded or killed by such officer or his assistants, such officers or assistants are justified and shall be held guiltless.

SEC. 45. In case any pestilence or contagious disease breaks out among the convicts in the Penitentiary, the inspectors and warden may cause such convicts to be removed to some secure and suitable place where such as are sick shall receive all necessary care and medical attendance.

SEC. 46. The Warden shall receive, safely keep, and subject to the discipline of the Penitentiary any criminal convicted of any crime against the United States and sentenced to confinement therein by any court of the United States sitting within this State, until such sentence is executed or until such convict is discharged by due course of law, the United States supporting such convict and paying the expenses of executing such sentence.

SEC. 47. He shall take charge of any property that convicts may have at the time of entering the Penitentiary, and if the same is of the value of five dollars or more, may sell the same with the consent of the convict, and place the proceeds at interest for the benefit of such convict or his representatives when he may leave the Penitentiary, keeping a correct account of such property and the proceeds thereof.

SEC. 48. When any convict is discharged from prison, the Warden shall furnish such convict with a decent suit of clothes (if he is not already provided for) at the expense of the State, and shall pay such convict from any funds belonging to the Penitentiary a sum not exceeding ten dollars; and shall deliver to said convict any property received from him which has not been disposed of according to law. The Warden shall furnish, at the expense of the State, a bible to each convict who can read.

SEC. 49. When there are cells sufficient, each prisoner shall be confined in a separate cell.

SEC. 50. The clothing and bedding for the convicts shall be of coarse material, and they shall be supplied with a sufficient quantity of substantial and wholesome food.

SEC. 51. No person shall, without the consent of the warden, bring into or carry out any writing, or any information, to or from any convict.

SEC. 52. The following persons shall be allowed to visit the Penitentiary at pleasure: The Governor, members of the Legislature, all State officers, and regularly authorized ministers of the Gospel, but no other person shall go within the walls of the Penitentiary, without the special permission of the Warden.

SEC. 53. When any convict is delivered to the Warden, the officer having such prisoner in charge, shall deliver to the Warden a certified copy of the sentence received by such officer from the clerk of the court where such convict was tried, and shall take from the Warden a certificate of the delivery of such convict, and such certified copy of the sentence shall be evidence of the facts therein contained.

SEC. 54. When any convict escapes from the Penitentiary, the Warden shall use all proper means for the apprehension of such convict, and for this purpose he shall offer a reward not to exceed one hundred dollars, and not less than twenty-five dollars; *provided*, that if such escape was by reason of the negligence of the Warden, or any officer under him, the reward shall be paid by the Warden.

SEC. 55. All suitable rewards and other sums of money paid for advertising any convict, shall be approved by the Board of Inspectors, and paid out of the State treasury.

SEC. 56. The expenses and legal fees of sheriffs and other officers incurred in conveying convicts to the Penitentiary, shall be approved by the Auditor of State, and shall be paid out of the State treasury; said Auditor may allow for said expenses and fees, the following rates: For sheriff, three dollars per day; for each assistant or guard absolutely necessary, two dollars per day, and ten cents per mile for traveling expenses in going and coming.

SEC. 57. No spirituous or fermented liquors shall be, under any pretence whatever, brought into or upon the premises of the prison, except by the direction of the prison physician.

SEC. 58. The Auditor of State is authorized and required to draw his warrant on the State treasury for such sums as the inspectors may from time to time direct, for defraying the proper and necessary expenses of the prison.

SEC. 59. It shall be lawful for the inspectors to establish uniform rules and fees for the admission of visitors within the prison.

SEC. 60. The warden, deputy warden, inspectors, physician, assistant keepers and guards shall be exempt from military and jury duties while actually employed by the State as such officers.

SEC. 61. Omitted.

SEC. 62. Whenever there is a vacancy in the office of warden, or the warden is temporarily absent, all the duties of warden shall devolve upon and be performed by the deputy warden until the vacancy is filled or the warden returns.

SEC. 63. The physician shall keep a register of all convicts placed under his care; the disease with which they are afflicted; also of the death of any convicts, stating their names, age, time and cause thereof.

SEC. 64. All books, accounts, documents, registers, and reports

shall be deemed public property, of which the warden shall preserve at least one copy of each.

SEC. 65. The warden shall cause to be kept a record of each and all infractions of the rules and discipline by convicts, with the name of the convict offending, and the date and character of each offense, which record shall be placed before the inspectors at each regular meeting of the board.

SEC. 66. The warden is entitled to the use of the house built for him, and the necessary fuel and light for the same to be supplied from the common stock of the prison, free of charge.

SEC. 67. Every lease made of any or all the prison shops and fixtures, shall contain a provision for the constant employment of all convicts in the Penitentiary during the continuance of such lease.

SEC. 68. That any of the inspectors appointed or elected under the provisions of this act who shall violate the provisions thereof, shall be deemed guilty of misdemeanor, and upon proper proof and conviction thereon, shall be fined in a sum of not less than one thousand and not over five thousand dollars.

SEC. 69. In all cases of vacancy in any office of the Penitentiary, the Governor shall fill the vacancy by appointment.

SEC. 70. That the inspectors at their first meeting, under and by virtue of the provisions of this act, shall make such arrangements for the safe keeping of such convicts now in the State, as to them shall seem wise and prudent, and shall provide for the keeping of all other State prisoners.

SEC. 71. That so soon as the inspectors may have made arrangements for the safe keeping of the convicts, they shall receive and transport them to, and if deemed necessary for their safe keeping, may put them upon a chain-gang, and may use their labor in the erection of a Penitentiary.

SEC. 72. That all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 73. This act to be in force from and after its passage.

Approved, March 4th, 1870.

AN ACT

Making further Appropriations for the Current Expenses for the year A. D., 1870.

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That the following sums of money, or so much thereof

as may be necessary, be, and the same are hereby appropriated, for the payment of the following claims for current expenses of the year one thousand eight hundred and seventy, and for other expenses.

Estimate for the Legislature and other expenses for the year 1870:

For the care and custody, and maintenance of State prisoners	\$10,000.00
Stationery, postage, lights, and express carriages for the Governor's office	1,000.00
Stationery, postage, lights, and express carriages for the Secretary of State	200.00
Stationery, postage, lights, and express carriages for the Auditor	200.00
Office and expenses Supt. Public Instruction, 1870	344.43
Furnishing office Supt. Public Instruction, 1870	500.00
Printing and blanks Supt. Public Instruction, 1870	1,058.40
Abstract for entered lands	300.00
Per diem mileage, and incidental expenses of Legislature, called session 1870	8,000.00
Postage, lights, and incidental expenses of Legislature, called session 1870	300.00
Chief Clerk's hire copying Journal, extra session	200.00
Printing laws and Journals, and for incidental printing ..	3,000.00
Mapping and platting State lands	200.00
Removing Treasury, archives, and funds, from Omaha to Lincoln	62.85
Stationery, exchange, and incidental expenses of State Treasurer's office	550.88
Racks to hold books, and records for Clerk's use, pigeon holes for papers; and desk and stationery	200.00
To Montgomery and Carder	144.00
To Montgomery and Carder, printing blanks for Superintendent Public Instruction	81.00
To Montgomery and Carder, for printing blanks for Adjutant-General's office	150.00
Stationery for Adjutant-General's office	98.60
Furnishing office of Attorney-General	395.00
Michael O'Conner, three days labor	7.80
Balance public printing, last session	1,439.50
Printing, binding, and indexing, 150 volumes registration books	454.50
Expenses of Investigating Committee	11.00

SEC. 2. The State Auditor is hereby authorized upon evidence being presented, that the parties for whom appropriations are made by this act have, or hereafter shall perform the labor, or make the disbursements to be covered by the respective appropriations, to draw his warrant upon the State Treasurer, to the person entitled to the same, for the amount found due to each person respectively, which warrant shall give the name of the person and service, or disbursement for which the warrant was issued.

Approved, March 4th, 1870.

AN ACT

To amend an act entitled "An act to incorporate cities of the first class in the State of Nebraska." Approved, February 8, 1869.*

SECTION 1. *Be it enacted by the Legislature of the State of Nebraska,* That section 15 of said Act be, and the same is hereby amended, so as to read as follows:

In any such proceeding where the justice of the peace, or the court trying and hearing the same, shall be satisfied that all work has been done or materials furnished, which, according to the true intent of this Act, would be properly chargeable on the lot or land, through or by which the street, alley, or highway, improved, repaired, or lighted, may pass, a recovery shall be permitted, or a charge enforced, to the extent of the proper proportion of the value of work or material, which would be chargeable on such lot or land, notwithstanding any informality, irregularity or defect in any assessment on the part of such municipal corporation or its officers, but in such cases the justice or court shall adjudge as to costs, as may be deemed proper, and in cases where an assessment shall have been regularly made and payment shall have been neglected or refused, at the time when the same was required, any municipal corporation shall be entitled to demand and recover in addition to the amount assessed and interest thereon at ten per cent from the time of assessment, ten per cent as penalty to defray the expenses of collection, which shall be included in any judgment or decree which may be rendered.

SEC. 2. That section twenty-five of said act be and the same is hereby amended so as to read as follows:

* Repealed February 8, 1871.

The mayor shall be elected biennially in cities of the first class, on the first Tuesday in June, 1869, and every two years thereafter, by the qualified voters of the city. He shall be a qualified voter and reside within the limits of the city, and shall hold his office during the term for which he was elected, and until his successor shall have been elected and qualified. He shall keep an office at some convenient place in the city, to be provided by the city council, and shall keep the corporate seal of the city in his charge. He shall sign all commissions, licenses, and permits granted by the authority of the city council, and such other acts as by law or ordinance may require his certificate. In case of death, disability, absence, or sickness, resignation, or other vacancy of his office, the president of the council shall act as mayor until the mayor shall resume his duties, or until a successor shall be elected and qualified as provided by this act.

That section twenty-seven of said act be and the same is hereby amended so as to read as follows:

That the qualified voters within each ward within any city of the first class shall on the first Tuesday in June, 1869, by a plurality of votes elect two trustees who shall be residents of the wards in which they shall be elected, and who shall at the time of such election be qualified voters therein; and when the city council elected under this act shall have been organized as hereinafter provided, they shall proceed to determine by lot the term of service of each trustee so elected, so that one of the trustees from each ward shall serve for two years and the other for the term of one year; and at every succeeding annual city election, one trustee shall be elected by the qualified electors of each ward who shall possess the qualifications hereinbefore required, and whose term of service shall be two years, so that the terms of the two trustees of each ward shall always expire in different years, and the persons thus chosen shall hold their offices until their successors are elected and qualified. The trustees elected for each city shall, on the next Monday after their election, assemble together and organize the city council; a majority of all the whole number of trustees shall be necessary to constitute a quorum for the transaction of business: they shall be judges of the election returns and qualifications of their own members; they shall determine the rules of their proceedings and keep a journal thereof, which shall be open to the inspection and examination of any citizen, and may compel the attendance of absent members in such manner and under such penalties as they shall think fit and prescribe; they shall elect from their own body a president who shall preside at their meetings during the term for which they shall have been elected, and in the absence of the president they may elect a president *pro tempore*. The city council shall, as soon as practicable after its organization in June,

1871, appoint from the qualified voters of the city, a clerk, whose term of office shall be for two years and until his successor is appointed and qualified. The clerk so appointed shall have custody of all the laws and ordinances of the city, and shall keep a regular and correct journal of all the proceedings of the council, shall have power to administer oaths, and shall perform such other duties as may be required by the ordinance of the city. The city clerk now in office, or who may hereafter be elected, may by a concurrent vote of a majority of all the members of the city council, be removed from office for malfeasance in office or neglect of duty.

SEC. 3. That section twenty-nine of said act be and the same is hereby amended so as to read as follows:

The city council shall possess all legislative powers granted in this act and other corporate powers of the city not herein or by some ordinance of the city council made in pursuance of this act conferred on some officer of the city. They shall have the management and control of the finances and of all the property real and personal belonging to the corporation; they shall advertise the times and places of holding their meetings, which shall at all times be open to the public, and the mayor or any three trustees may call special meetings by notice to each of the members of the council, served personally or left at his usual place of abode. They shall appoint all such city officers as shall be necessary for the good government of said city and for the due exercise of its corporate powers, and which shall have been provided for by ordinance as to whose appointment or election provision is not herein made and not provided for by any general law of the State in reference to cities of the first class; and all city officers whose term of office is not prescribed and whose powers and duties are not defined in this act shall perform such duties, exercise such powers, and continue in office for such term of time, not less than one nor more than two years, as shall be prescribed by ordinance; but all officers to be elected shall be elected at the regular annual election of the municipal corporation. The officers of all municipal corporations shall receive such compensation and fees for their services as the trustees shall by ordinance prescribe; *provided*, that the compensation of the city council or trustees shall not exceed one dollar to each member for every regular or special meeting of the board.

SEC. 4. That the sections numbered thirty of said act be and the same are hereby amended so as to read as follows:

SEC. 30. The city council shall have power to establish a board of health, to invest it with such powers and impose upon it such duties as shall be necessary to secure the city and the inhabitants thereof from the evils of contagious, malignant, and infectious diseases; provide for its proper organization and the election or

appointment of the necessary officers thereof, and make such by-laws, rules, and regulations for its government and support as shall be required for the prompt and efficient performance of its duties and the lawful exercise of its powers. They shall have power to establish a city watch or police, to organize the same under the general superintendence of the mayor, marshal, or other officers of the police, prescribe its duties and define its powers in such manner as will most effectually preserve the peace of the city, secure the inhabitants thereof from personal violence and their property from fire and unlawful depredations. They shall establish and organize fire companies and provide them with proper engines and such other instruments as shall be necessary to extinguish fire and preserve the property of the inhabitants of the city from conflagration, and provide such by-laws and regulations for the government of the same as they shall deem expedient. They shall erect, establish, and regulate the markets and market places for the sale of provisions, vegetables, and other articles necessary for the sustenance, convenience, and comfort of the city and inhabitants thereof; they shall have power to prescribe the time for opening and closing the same, the kind and description of articles which may be sold therein, and the stands or places to be occupied by the vendors. The city council shall have full power to prevent forestalling, to prohibit or regulate huckstering in the markets and to adopt such rules and regulations as are necessary to prevent fraud and to preserve order in the markets; and they may authorize the immediate arrest, seizure and removal from the markets any persons or person violating its regulations as established by ordinance together with any articles in their possession, and the immediate seizure and destruction of tainted or unsound meat or other provisions; but no charges or assessment of any kind shall be made or levied in any manner against or upon any farmer or producer of vegetables or provisions in bringing the same to any of the markets in any city for standing in or occupying a place with or without horses and wagons used in bringing such produce to market in any of the market space of such city or in the streets contiguous thereto on market days and the evenings previous thereto; *provided*, however, that nothing contained in this act shall be so construed as to authorize the city council of any city to pass an ordinance for the purpose of assessing or imposing any fine or punishment whatever upon any farmer or producer resident within this State, for selling at any time within the city any article of provisions or vegetables to any person or persons within any street or streets or market space, except during market hours. The city council shall have the care, supervision, and control of all public streets, highways, bridges, alleys, public squares, and commons within the city, and shall cause the same to be kept open and in good repair and free

from all nuisances, and shall have power to name and re-name streets, alleys, avenues, parks and squares in said city or additions thereto. They shall have power to prescribe the width of tires of all wagons, carts, drays and other vehicles, used in the transportation of persons or articles from one part of the city to another, or in the transportation of coal, wood, stone, lumber or iron into the city, to establish stands for hackney coaches, cabs, and omnibuses and to enforce the observance and use thereof, and to fix rates for the transportation of persons and property in such coaches, cabs, and carriages and omnibuses from one part of the city to another. The City Council shall have control of all additions which may be made to the city, same as in the city proper, and shall have power by ordinance to compel the owner or owners of any such additions, to lay out streets, alleys and avenues, so as to have the same correspond in width and direction and be continuations of the streets, alleys and avenues, in the city or additions abutting thereto, and no addition shall have any validity rights or privileges as an addition, unless the terms and conditions of such ordinance are complied with, and the plat thereof shall have been submitted to and approved by the City Council, and such approval endorsed thereon.

SEC. 5. That section 31 of said act be and the same is hereby amended so as to read as follows:

The City Council shall have power to establish and construct and to regulate landing places, wharves, docks, piers, and basins, and to fix the rate of landing, wharfage, and dockage and to use for the purpose aforesaid any public landing, or any property belonging to or under the control of the city, and the City Council shall have the use and control for the above purpose of the shore or bank of any river, not the property of any individual to the extent and in any manner the State can grant such control or use; the City Council shall have power to appoint harbor masters, wharf masters, port wardens and other officers usual and proper for the regulation of navigation, trade or commerce of such city, to define their powers and duties, and fix their compensation. Copies of their examinations and surveys and the proceedings of any port warden, in the usual discharge of the duties of such officers certified under his hand and seal shall be *prima facie* evidence of the facts therein stated.

SEC. 6. That sections 40 and 41 of said act be and the same are hereby consolidated into one section, to be numbered 40, and that the same shall read as follows:

The police court shall always be open for the dispatch of business, but may adjourn from day to day or from time to time; and the mode in which cases shall be brought before the court shall be fixed by rule to be established by the judge. The jurors in the police court shall have all the qualifications of jurors in the district court,

and shall be summoned and impaneled in accordance with a rule of the police court and the said court shall have power to compel the attendance of witnesses, jurors and parties. The police judge shall adopt such rules of practice and procedure, as will give all parties a proper statement of any charge against them and full opportunity of being heard, but shall at the same time dispatch the business with all convenient speed; and all rules of the court shall be written or printed and conspicuously posted in the room in which the police court holds its sittings. There shall be a clerk of the police court who shall perform like duties as the clerk of the district court in like cases, and who shall be appointed by the police judge, and hold his office during the pleasure of said police judge. He shall before entering upon the duties of his office, take an oath to support the Constitution of the United States and of the State of Nebraska, and faithfully, diligently, and impartially to discharge the duties of his office, and he shall execute a bond with sufficient surety to the city and to the county commissioners of the county in which such court is situated, in such sum as the City Council of such city and the commissioners of such county shall prescribe, conditioned for the faithful performance of the duties of his office. He shall receive for his services in city cases, a fixed salary or compensation, to be prescribed by an ordinance of the City Council and for State cases prosecuted in such court such further allowance, not exceeding six hundred dollars, as the commissioners of such county shall deem right and proper. He shall have power to administer oaths, and to appoint one or more deputies, to be approved by the police judge, who shall receive such reasonable sum for his or their services as the City Council shall prescribe. In case of temporary inability of the clerk to perform the duties where no deputy shall have been appointed, the police judge may appoint some competent person, who shall give bond to the satisfaction of the judge, and take the oath prescribed in this section, and shall have all the powers and perform all the duties imposed upon the clerk, and be paid out of the city treasury, on the order of the City Council, at the same rate as the clerk is paid for similar services, *provided* that such appointment shall be valid only until the disability of such clerk be removed.

SEC. 7. That the following provisions be and the same are hereby inserted in the place of section fifty-eight to read as follows:

That the city council shall have power to require the owner or owners of lots, parts of lots or lands to construct and repair sidewalks fronting the same, of such material and in such manner as a majority of the council will direct, but in case the grade shall not have been established or the street shall not have been worked to the grade, then such owner or owners shall only be required to construct or repair such sidewalk with plank of such description and in such

manner as the council shall direct; and if after due notice such owner or owners shall neglect to construct or repair the sidewalk ordered by the council, the council may cause the same to be done and assess the costs and expenses on such delinquent lots, parts of lots or lands to be and to remain a lien thereon until paid; and the city shall be entitled to demand and receive ten per cent interest per annum on the amount of the assessment from the time the same was levied and ten per cent additional shall be charged as penalty, and said lots, parts of lots and lands shall be sold to pay the assessment, interest, penalty, and costs, and it shall be the duty of the city council to provide by general ordinance the manner, rules, regulations and procedure necessary to give full effect to the provisions of this section according to the interest and spirit of the same.

SEC. 8. That section sixty of said act be and the same is hereby amended so as to read as follows:

"That returns of all city elections shall be made to the city clerk, and shall be opened and counted by him five days after the close of such election. He shall call to his assistance the mayor of the city, if there be one, or if there be no mayor or the mayor shall have been a candidate at such election, then any justice of the peace of the county, and shall in his presence canvass the votes and make out an abstract and ascertain the candidates elected in all respects as required by law of the county clerk in county and State elections, and shall in like manner make out a certificate as to each candidate so elected and cause the same to be delivered to him or to be left at his usual place of abode."

SEC. 9. That section sixty-two of said act be and same is hereby changed and amended so as to read as follows:

"The city council is fully empowered, and it shall be its duty, to cause to be assessed annually for taxation all and every species of property in the city which is subject to taxation under the laws of the State for county and State purposes, and to levy and collect taxes for the following purposes:

First. To levy and collect taxes sufficient to pay the interest as it matures on all of the bonded debts of the city now existing or which may be hereafter created in pursuance of law, and also such an additional amount as upon computation shall be found necessary to provide a sinking fund for the redemption of such bonded debts at maturity.

Second. To levy and collect taxes sufficient to meet and pay the current expenses of the city resulting from the exercise of the powers by this act conferred, provided that the taxes in this sub-division mentioned shall not in any one year exceed two per cent on the taxable valuation, and provided further that the city council shall not incur indebtedness exceeding in the aggregate five-sixths of the

amount of the tax levy in any one fiscal year, nor shall they cause to be issued evidences of indebtedness which in the aggregate shall exceed that limit, and any member of the council who shall by vote violate these provisions shall be personally chargeable with and liable for any and all excess of indebtedness, and upon evidence thereof, over and above the limits aforesaid, the city council shall have power to provide for the bonding of the floating debt of the city at any time and upon such terms and conditions as shall be deemed just and expedient, but no bond or other debt shall draw interest at a rate exceeding ten per cent per annum.

SEC. 10. That section 63 of said act be, and the same is hereby amended so as to read as follows:

The City Council by a vote of two-thirds of all members, are hereby authorized, and shall have power to borrow money or issue bonds, for any purpose in their discretion, if at a regular or special city election called for that purpose under a notice specifying distinctly the nature and object of the proposed loan and the amount thereof, the legal voters of the city shall determine in favor of the loan by a majority of the legal votes cast at such election; *provided*, that the bonded debt of the city shall not in the aggregate exceed two per cent on the valuation. *And provided further*, that all bonds heretofore issued by the corporate authorities of any city, in pursuance of law, shall be, and are hereby declared to be valid and binding in law, any informality in the manner and time of giving notice of the vote authorizing their issue, or other technical informality pertaining to the issue of the same, to the contrary notwithstanding; *provided*, that it shall appear that a majority of the legal voters of said city, voting at such election, have voted in favor of such issue. The Council shall by general ordinance provide such course of procedure as shall fully secure and carry into effect the powers which are granted in this and the preceding section according to the intent and spirit of the same. The first day of May shall be the commencement of the fiscal year, and it shall be the duty of the mayor, treasurer and clerk on the second Tuesday of May in each year to make a full and complete statement of the conditions of the city finances showing the indebtedness of the city, and the nature thereof, the receipts for the preceding fiscal year and the sources of the same, the amount of money expended and what for, and they shall sign such statements and report the same to the Council, and if either of the above named officers shall neglect or fail to comply with the above provisions with intent to deceive the tax-payers, or to withhold the said statement, or if he shall make a false statement, with the intent aforesaid, such officer shall be subject to indictment, and shall on conviction be fined in any sum not exceeding one thousand dollars, and such officer or officers shall be removed from office.

SEC. 11. That section 64, of said act, be and the same is hereby amended so as to read as follows:

All rights and property of every kind and description, which were vested in any municipal corporation, under its former organization, shall be deemed and held to be vested, in the same municipal corporation under the organization made by this act, and no rights or liabilities either in favor of or against such corporation existing at the time of taking effect of this act, and no suit or prosecution of any kind, shall be in any manner effected by such change, but the same shall stand or progress as if no such change had been made; *provided*, that when a different remedy is given in this act, which can be made applicable to any rights existing at the time of its passage the same shall be deemed cumulative to the remedies before provided, and may be used accordingly. *And provided further*, that the boundaries and corporate limits of a city as defined and established by law at the time such city accept the provisions of, and organize under this act, shall continue thereafter to be the boundaries and corporate limits of such city until changed by law, the same as though this act had not been passed.

SEC. 12. That sections 15, 25, 27, 30, 31, 40, 41, (following 40,) 58, 62, 63 and 64 of said act be, and the same are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after the first day of April, A. D. 1870, and all laws and parts of laws, inconsistent with the provisions of this act be, and the same are hereby repealed.

MEMORIALS AND JOINT RESOLUTIONS.

MEMORIALS AND JOINT RESOLUTIONS.

CONCURRENT RESOLUTION.

Ratifying an Amendment to the Constitution of the United States.

WHEREAS, The Legislature has received official notification of the passage by both houses of the Fortieth Congress of the United States at its third session of the following proposition to amend the Constitution of the United States, by a constitutional majority of two-thirds, in words following, to-wit:

A resolution proposing an amendment to the Constitution of the United States, *Resolved, by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of both Houses concurring)*, That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation. And,

WHEREAS, Three-fourths of the Legislatures of the States comprising the United States are required to give assent to the said proposed amendment to the Constitution of the United States before it becomes a part thereof, therefore,

Resolved by the Legislature of the State of Nebraska, That we hereby ratify on behalf of the State of Nebraska the above recited proposed amendment to the Constitution of the United States.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor to the President of the United States, the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the Secretary

of State of the United States, the members of the Senate, and House of Representatives of the United States, and the Governors of the several States.

Adopted, Feb. 17, 1870.

JOINT RESOLUTION

Returning thanks to Major-General Eugene A. Carr and his 5th cavalry regiment, and to Major North and his Pawnee scouts.

Resolved, By the Legislature of the State of Nebraska, that the thanks of the people of Nebraska, be and are hereby tendered to Brevet Major-General Carr and the officers and soldiers under his command of the 5th U. S. cavalry for their heroic courage and perseverance in their campaign against hostile Indians on the frontier of this State in July, 1869, driving the enemy from our borders and achieving a victory at Summit Springs, Colorado Territory, by which the people of the State were freed from the ravages of merciless savages.

2d. *Resolved*, That the thanks of this body and of the people of the State of Nebraska, are hereby also tendered to Major Frank J. North and the officers and soldiers under his command of the "Pawnee scouts" for the manner in which they have assisted in driving hostile Indians from our frontier settlements.

3d. *Resolved*, That the Secretary of State is hereby instructed to transmit a copy of the foregoing resolutions to Major-General Eugene A. Carr and Major Frank J. North.

Approved, February 23, 1870.

Resolved by the Legislature of the State of Nebraska, That the Secretary of State be authorized to deliver to the members of the Senate and House of Representatives, one thousand copies of the Second Annual Report of the State Board of Agriculture, for distribution by the members: the said one thousand copies being the same as heretofore authorized to be delivered to the clerks of the several counties.

Approved, February 24, 1870.

JOINT RESOLUTION

Instructing the Auditor to require the contractor to fulfil his contract by furnishing desks before the next session of the Legislature, without additional expense to the State.

Be it resolved by the House of Representatives, the Senate concurring, That the Auditor be instructed to require the contractor to replace the desks before the next session of the Legislature, without additional expense to the State.

Approved, February 26, 1870.

JOINT RESOLUTION.

WHEREAS, The settlers in Jefferson and other counties in that portion of southwestern Nebraska, have been for several years past, greatly annoyed by depredations of Indians who have murdered men, carried off women and children and stolen nearly all the horses in some portions of these counties and,

WHEREAS, The Indians are still threatening raids upon the border settlement of southwestern Nebraska, thereby preventing the same from settlement; therefore,

Be it resolved, That we, the Representatives of the people of Nebraska, in Legislature assembled, do most earnestly solicit General Augur, commander of this district, to give us all the protection possible, to our exposed settlements, and we do recommend that a military post be established on the Republican river in Nebraska, at or near some point south from Fort Kearney, believing this will give assurance of safety and encourage settlement in a region already depopulated by the Indian war.

Resolved, That the Secretary of State be, and he is hereby instructed to transmit a copy of this joint resolution to Gen. Augur, commander of this district.

Approved, February 26, 1870.

JOINT RESOLUTION

Relative to a postal telegraph.

WHEREAS, A bill has been introduced into the Congress of the United States providing for the establishment of a postal telegraph system; and

WHEREAS, In the judgment of this Legislature, such a measure would subserve the interests of the people, by promoting and fostering a system of cheap communication between every portion of the Union; therefore,

Be it resolved by the Legislature of the State of Nebraska, That our Senators and Representatives in Congress be, and they are hereby requested to employ their votes and influence, in favor of the passage of a system of postal telegraph.

Resolved, That copies of this resolution, duly certified, be forwarded to our members of Congress, by the Secretary of State.

Approved, February 26, 1870.

PREAMBLE AND JOINT RESOLUTION

Relative to removing the Indians now on special reservations in Nebraska, to new and joint reservations.

WHEREAS, The Indians now on special reservations in Nebraska, hold and occupy valuable and important tracts of land, which while thus occupied will not be developed and improved; and

WHEREAS, The demand for lands which will be improved and made useful, are such that these Indian lands should no longer thus be held, but should be allowed to pass into the hands of enterprising and industrious citizens; and

WHEREAS, We deny the so-called original rights of the aborigines to the soil and endorse and sustain the action of our Representatives in Congress in his efforts to abolish the so-called Indian title to the public domain, and further that the condition of the Indian would be better for himself and all concerned by a change of present relations and concentrating all tribes, where they may be the better afforded the facilities of education and agricultural development; therefore,

Resolved by the Senate and House of Representatives of the

Legislature of Nebraska, That we urge upon our delegation in Congress, to secure the removal of all Indians, now on special reservations in Nebraska to other more congenial and advantageous localities, where their presence will not retard settlements by the whites and where a policy of the general government towards them in the capacity of wards, may be the better exemplified.

Resolved, That the Secretary of State be and is hereby requested to furnish the President of the United States, Secretary of the Interior, and our Senators and Representatives in Congress, each, with certified copies of this preamble and joint resolution.

Approved, March 2, 1870.

JOINT RESOLUTION

Relative to payment for the "Omaha Herald."

WHEREAS, Messrs. Miller & Richardson have had the enterprise and courtesy to furnish the members of this Legislature with copies of their paper each day during the present session; therefore,

Be it resolved by the Senate and House of Representatives of the State of Nebraska, That there be paid from any funds in the Treasury not otherwise appropriated the amount of thirty dollars to the said Miller & Richardson, and the Auditor is authorized and instructed to draw his warrant for the above amount.

Approved, March 2, 1870.

MEMORIAL AND JOINT RESOLUTION

Relative to a mail route.

To the Honorable Postmaster-General :

Your memorialists the Senate and House of Representatives of the State of Nebraska, respectfully represent:

That Beatrice in said State, is the county-seat of Gage county, is situated about forty (40) miles south of Lincoln, the State capital, and in the centre of a large and rapidly growing farming community;

that the United States Land Office for the Southern District of Nebraska, is located at that point, and that there is no daily mail service; that for the proper transaction of the business of that office and other departments of trade and industry, other and better mail facilities are needed; therefore,

Resolved by the Senate and House of Representatives, That the Postmaster-General be earnestly requested to order daily mail service between Lincoln and Beatrice, by the most direct route, as soon as practicable.

Resolved, That our Senators and members of Congress are hereby requested to use their influence to obtain the result prayed for in this memorial.

Resolved, That the Secretary of State be and he hereby is instructed to transmit certified copies of this memorial and joint resolution to the Honorable Postmaster-General and to our Senators and members in Congress.

Approved, March 3, 1870..

JOINT MEMORIAL

Relative to mail routes.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists the Senate and House of Representatives of the State of Nebraska, respectfully represent to your honorable bodies, that the present settlement as well as the rapid increase of the same in southern Nebraska, require the establishment of a mail route from Brownville, Nebraska, via Weddles' Bridge, Steinman, Moses' Mills, Table Rock, Pawnee City, West Branch, Mission Creek, to Marysville, Kansas, also from Pawnee City, Nebraska, via Steinfeld, Stewart, Muddy to Beatrice, Gage county, Nebraska, and that the wants of the citizens of the counties of Nemaha, Pawnee, and Gage, along the proposed routes, urgently demand the establishment of the said routes with semi-weekly mail thereon; also a daily mail route from Peru, in Nemaha county, to Nebraska City, in Otoe county, with a daily mail thereon, also a daily mail route from Rulo, Nebraska, to Bigelow, Missouri.

Your memorialists would therefore pray for the mail facilities upon the routes above set forth, and respectfully invite the attention of

our Senators and Representatives, and the Secretary of State is hereby requested to furnish each of them a copy of this memorial.

Approved, March 3, 1870.

MEMORIAL FOR A MAIL ROUTE.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists the Senate and House of Representatives of the State of Nebraska would respectfully represent that the establishment of a daily mail route from Bigelow, Missouri, to Rulo, Nebraska, would greatly subserve the interests and add to the comfort and business convenience of a large district of country in Nebraska, well settled and rapidly increasing in population, wealth, and importance, and the said route being the only direct communication with the East for said point in Nebraska. Your memorialists would therefore respectfully request your favorable and prompt consideration of the claims for the said mail route, and as in duty bound would ever pray.

Approved, March 3, 1870.

JOINT RESOLUTION.

Resolved by the Legislature of the State of Nebraska, That the Secretary of State is hereby authorized and required to have the Herd Law that was passed and approved in 1870, published in each county in this State where a paper is published, provided it shall not cost more than seventy-five cents (75 cts.) per one thousand ems in each newspaper published in the same.

Approved, March 4, 1870.

JOINT RESOLUTION

In relation to the Commissioners of Public Buildings.

Resolved by the Senate and House of Representatives of the State of Nebraska, That having heard the report of the committee appointed to investigate the official acts of the Commissioners of Public Buildings, it is the judgment of this Legislature, that said Commissioners acted in good faith in the discharge of the duties imposed upon them, and that in exceeding the appropriation in the amount of lands and lots sold, and in increasing the size and cost of the Public Buildings now in course of erection at Lincoln, they have been governed by an honest purpose, to subserve the best interests of the State; and we therefore endorse their action and exonerate them from all censure, both in their capacity as such Commissioners and as individual citizens.

Approved, March 4, 1870.

JOINT RESOLUTION.

Be it resolved by the Senate, the House concurring, That a committee of the two Houses be appointed to draft a bill making provisions for the immediate concentration, care, and safe keeping of State convicts.

Approved, March 8, 1870.

JOINT RESOLUTION

Providing for the appointment of a committee to investigate the official acts and doings of the State Commissioners of Public Buildings and Lands.

WHEREAS, It is currently reported throughout the State, and publicly charged in certain newspapers published in this State, that the Commissioners appointed to locate the seat of government and provide for the erection of Public Buildings; and to sell the unsold lots

and blocks on the town site of Lincoln, and to locate and erect a State University and State Lunatic Asylum, have violated the trusts reposed in them, by exceeding the authority given them under the laws by which they were created, and by engaging in certain speculations and frauds; and

WHEREAS, We deem it but just, that if these charges are false, the aforesaid Commissioners should have the opportunity of vindicating themselves before the Legislature and people of this State; therefore,

Be it resolved by the Senate and House of Representatives of the State of Nebraska, That a committee consisting of two on the part of the Senate, to be chosen by the Senate, and three on the part of the House, to be chosen by the House, be appointed to investigate the official acts and doings of the aforesaid Commissioners, and that said committee have power to send for persons and papers, and that they be directed to make report of their investigation to the Legislature at its present session.

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